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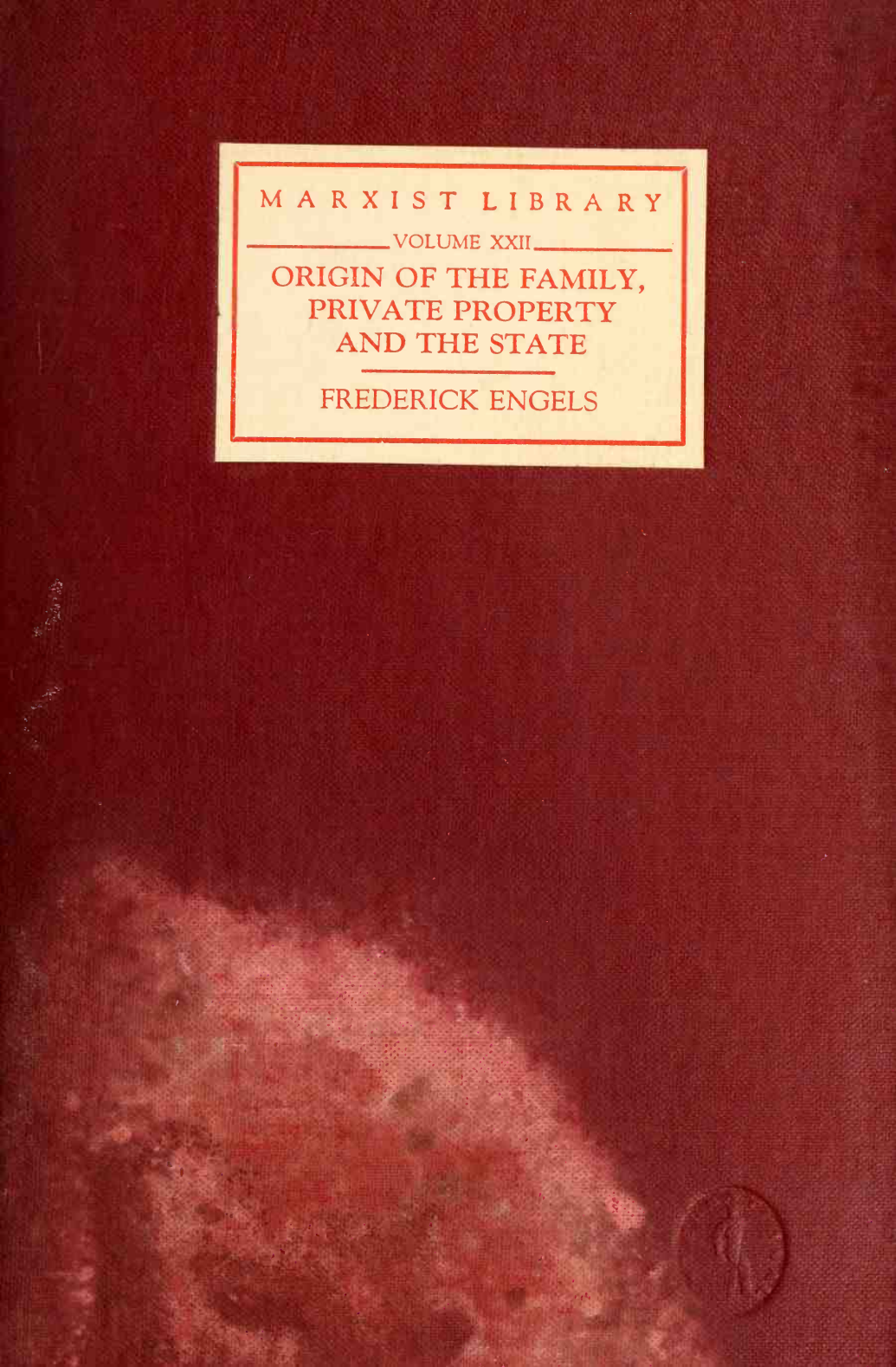
ORIGIN OF THE FAMILY, PRIVATE PROPERTY AND THE STATE

FREDERICK ENGELS



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Stanley Mozlowski
February 28, 1941

FRIEDRICH ENGELS (1893)

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THE ORIGIN OF THE FAMILY, PRIVATE PROPERTY AND THE STATE

In the Light of the Researches of
LEWIS H. MORGAN

WITH AN APPENDIX
A Newly Discovered Case of Group Marriage (1892)
By F. ENGELS

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PREFACE TO THE FIRST EDITION 1884

The following chapters constitute, in a sense, the fulfilment of a bequest. It was no less a person than Karl Marx who had planned to present the results of Morgan's researches in connection with the conclusions arrived at by his own—within certain limits I might say our—materialist investigation of history and thus make clear their whole significance. For in America, in his own way, Morgan had indeed rediscovered the materialist conception of history that was discovered by Marx forty years ago, and in his comparison of barbarism and civilization had been led to the same conclusions, in the main, as Marx had arrived at. And just as *Das Kapital* was for years both zealously plagiarized and persistently hushed up by the professional economists in Germany, so was Morgan's *Ancient Society** treated by the spokesmen of "prehistoric" science in England. My work can offer but a meagre substitute for that which it was not given to my departed friend to accomplish. However, I have before me, in his extensive extracts from Morgan, critical notes which I reproduce here wherever possible.

According to the materialistic conception, the decisive factor in history is, in the last resort, the production and reproduction of immediate life. But this itself is of a twofold character. On the one hand, the production of the means of subsistence, of food, clothing and shelter and the tools requisite thereto; on the other, the production of human beings themselves, the propagation of the species. The social institutions under which men of a definite historical epoch and of a definite country live are determined by both kinds of production; by the stage of development of labour, on the one hand, and of the family, on the other. The less the development of labour, and the more limited its volume of production and, therefore, the wealth of society, the more preponderatingly does the social order appear to be dominated by ties of sex. Within this structure of society based on ties of sex, however, the productivity of labour

* *Ancient Society or Researches in the Lines of Human Progress from Savagery through Barbarism to Civilization.* By Lewis H. Morgan, London, MacMillan & Co., 1877. This book was printed in America, and is remarkably difficult to obtain in London. The author died a few years ago. (*F. E.*)

develops more and more, and within it, private property and exchange, differences in wealth, the possibility of utilizing the labour power of others, and thereby, the basis of class antagonisms: new social elements, which strive in the course of generations to adapt the old structure of society to the new conditions, until, finally, the incompatibility of the two leads to a complete revolution. The old society based on ties of sex bursts asunder in the collision of the newly-developed social classes; in its place a new society appears, constituted in a state, the units of which are no longer groups based on ties of sex, but territorial groups, a society in which the family system is entirely dominated by the property system, and in which the class antagonisms and class struggles, which make up the content of all hitherto *written* history now freely develop.

Morgan's great merit lies in having discovered and reconstructed this prehistoric foundation of our written history in its main features, and in having found in the groups based on sex of the North American Indians the key to the most important, hitherto insoluble, riddles of the earliest Greek, Roman and German history. His book, however, was not the work of one day. He grappled with his material for nearly forty years until he completely mastered it. That is why his book is one of the few epoch-making works of our time.

In the following exposition the reader will, on the whole, easily be able to distinguish between what has been taken from Morgan and what I have added myself. In the historical sections dealing with Greece and Rome I have not limited myself to Morgan's data, but have added what I had at my disposal. The sections dealing with the Celts and the Germans are substantially my own; Morgan had at his disposal almost exclusively second-hand sources, and, as far as German conditions were concerned—with the exception of Tacitus—only the wretched liberal falsifications of Mr. Freeman. The economic arguments, sufficient for Morgan's purpose but wholly inadequate for my own, have all been elaborated afresh by myself. And, finally, I, of course, am responsible for all conclusions, wherever Morgan himself is not expressly quoted.

PREFACE TO THE FOURTH EDITION 1891

The previous large editions of this work have been out of print now for almost six months and the publisher has for some time past desired me to prepare a new edition. More urgent tasks have hitherto prevented me from doing so. Seven years have elapsed since the first edition appeared, and during this period our knowledge of the original forms of the family has made important progress. It was, therefore, necessary diligently to apply the hand to the work of amplification and improve-

ment, particularly in view of the fact that the proposed stereotyping of the present text will make further changes on my part impossible for some time to come.

I have, therefore, submitted the whole text to a careful revision, and have made a number of additions, in which, I hope, due regard has been paid to the present state of science. Further, in the course of this preface, I give a brief review of the development of the history of the family from Bachofen to Morgan, principally because the English pre-historic school, which is tinged with chauvinism, continues to do its utmost to kill by silence the complete revolution Morgan's discoveries have made in our conceptions of pre-historic society, although they do not hesitate in the least to appropriate his results. Elsewhere, too, this English example is followed only too often.

My work has been translated into various languages. First into Italian: *L'origine della famiglia, della proprietà privata e dello stato, versione, riveduta dall'autore, di Pasquale Martignetti; Benevento 1885.* Then Rumanian: *Origina familei, proprietatei private si a statului, traducere de Joan Nadejde,* in the Yassy periodical *"Contemporanul,"* September 1885 to May 1886. Further in Danish: *Familjens Privatejendommens og Statens Oprindelse, Dansk, af Forfatteren Gennemgaaet Udgave, besörget af Gerson Trier, Köbenhavn, 1888.* A French translation by Henri Ravé based on the present German edition is in the press.

* * *

Until the beginning of the 'sixties there was no such thing as a history of the family. In this sphere historical science was still completely under the influence of the Five Books of Moses. The patriarchal form of the family, described there in greater detail than anywhere else, was not only implicitly accepted as the oldest form of the family, but also—after excluding polygamy—identified with the present-day bourgeois family, so that it appeared that the family had undergone no historical development at all. At the most it was admitted that a period of irregular sexual relationships might have existed in pre-historic times. To be sure, in addition to monogamy, Oriental polygamy and Indo-Tibetan polyandry were also known, but these three forms could not be arranged in any historical sequence, and appeared disconnectedly alongside of one another. That among certain peoples of ancient times, and among some still existing savage tribes, the line of descent was reckoned not from the father but from the mother and, therefore, the female lineage alone was regarded as valid; that among many existing peoples marriage within certain large groups—not subjected to closer investigation at that period—is prohibited to this day and that this custom is to be met with in all parts

of the world—these facts were indeed known, and new examples were constantly being brought to light. But nobody knew what to do with them, and even in E. B. Tylor's *Researches into the Early History of Mankind*, etc. (1865) they figure merely as "strange customs" along with the taboo in force among some savage tribes against the touching of burning wood with iron tools, and similar religious trivialities.

The history of the family dates from 1861, from the publication of Bachofen's *Mutterrecht*.* In this work the author advances the following propositions:

1) That in the beginning men lived in a state of sexual promiscuity, which the author incorrectly designates as "hetaerism."

2) That such sexual promiscuity excludes all certainty as regards paternity; that lineage, therefore, could be reckoned only through the female line—according to mother-right—and that originally this prevailed among all the peoples of antiquity.

3) That, consequently, women, who, as mothers, were the only definitely ascertainable parents of the younger generation, were treated with a high degree of consideration and respect, which, according to Bachofen's conception, developed into the complete rule of women (gynaicocracy).

4) That the transition to monogamy, wherein the woman belongs exclusively to one man, implied the violation of a primeval religious injunction (*i.e.*, in actual fact, the violation of the ancient traditional right of the other men to the same woman), a violation which had to be atoned for, or the toleration of which had to be purchased, by surrendering the woman to the other men for a limited period of time.

Bachofen finds evidence for these theses in countless passages of ancient classical literature, which he had assembled with extraordinary diligence. According to him, the evolution from "hetaerism" to monogamy, and from mother-right to father-right takes place, particularly among the Greeks, as a consequence of the evolution of religious ideas, the introduction of new deities, which are representative of the new outlook, into the old traditional pantheon representing the old outlook, so that the latter is more and more driven into the background by the former. Thus, according to Bachofen, it is not the development of the actual conditions under which men live, but the religious reflection of these conditions in the minds of men that brought about the historical changes in the relative social positions of man and woman. Bachofen accordingly points to the *Oresteia* of Aeschylus as the dramatic representation of the struggle between declining mother-right and rising and victorious father-

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* *Mother-right* (matriarchate).—*Ed. Eng. ed.*

right in the Heroic Age. Clytemnestra has slain her husband Agamemnon, just returned from the Trojan War, for the sake of her lover Aegisthus; but Orestes, her son by Agamemnon, avenges his father's murder by slaying his mother. For this he is pursued by the Erinyes (the Furies), the demonic defenders of mother-right, according to which matricide is the most heinous and inexpiable of crimes. But Apollo, who through his oracle has incited Orestes to commit this deed, and Athena, who is called in as arbiter, protect him. These two deities represent the new patriarchal order. Athena listens to both sides. The whole controversy is summarized in the debate which now ensues between Orestes and the Erinyes. Orestes declares that Clytemnestra is guilty of a double outrage; for in killing *her* husband she also killed *his* father. Why then have the Erinyes persecuted him and not Clytemnestra, who is much the greater culprit? The reply is striking:

"She was not *related by blood* to the man she slew."

The murder of a man not related by blood, even though he be the husband of the murderess, is expiable and does not concern the Erinyes. Their function is to avenge only murders among blood relations, and the most heinous of all these, according to mother-right, is matricide. Apollo now intervenes in defence of Orestes. Athena calls upon the Areopagitae—the Athenian jurors—to vote on the question. The votes for acquittal and for condemnation are equal. Then Athena, as President of the Court, casts her vote in favour of Orestes and acquits him. Father-right has gained the day over mother-right. The "gods of young lineage," as they are described by the Erinyes themselves, gain a victory over the Erinyes, and these latter allow themselves finally to be persuaded to assume a new office in the service of the new order.

This new, but decidedly correct, interpretation of the *Oresteia* is one of the best and most beautiful passages in the whole book, but it shows at the same time that Bachofen himself believes in the Erinyes, in Apollo and Athena, at least as much as Aeschylus did in his day; he, in fact, believes that in the Heroic Age of Greece they performed the miracle of overthrowing mother-right, and replacing it by father-right. Clearly, such a conception—which regards religion as the decisive driving force in world history—must finally end in sheer mysticism. It is, therefore, a disagreeable and by no means always profitable task to wade through Bachofen's bulky quarto volume. But all this does not detract from his merit as a pioneer, for he was the first to substitute for mere phrases about an unknown prehistoric condition of irregular sexual intercourse the definite proof that ancient classical literature teems with evidence showing that, before monogamy, a condition had in fact existed among the Greeks and the Asiatics, in which not only was a man permitted to

have sexual intercourse with more than one woman, but a woman was permitted to have sexual intercourse with more than one man, without violating the established custom; that this custom did not disappear without leaving traces in the form of the limited surrender by which women were compelled to purchase their right to monogamic marriage; that descent, therefore, could originally be reckoned only through the female line from mother to mother; that this validity solely of the female line persisted far into the time of monogamy with assured, or at least acknowledged, paternity; and that this original position of the mother as the sole ascertainable parent of her children assured her, and thus women in general, a higher social status than they have ever enjoyed since. Bachofen did not express these theses as clearly as this—his mystical outlook prevented him from doing so; but he proved that they were correct, and this, in 1861, meant a complete revolution.

Bachofen's bulky tome was written in German, that is, in the language of the nation which, at that time, interested itself less than any other in the early history of the present-day family. He, therefore, remained unknown. His immediate successor in this field appeared in 1865, without ever having heard of Bachofen.

This successor was J. F. McLennan, the direct antithesis of his predecessor. Instead of the talented mystic, we have here the dry-as-dust lawyer; instead of exuberant poetical fancy, we have the plausible constructions of the advocate pleading his case. McLennan finds among many savage, barbarian and even civilized peoples of ancient and modern times, a form of marriage, in which the bridegroom, alone or accompanied by friends, has to feign to carry off the bride from her relations by force. This custom must be the survival of a previous custom, whereby the men of one tribe acquired their wives from outside, from other tribes, by actually abducting them by force. How then did this "marriage by abduction" originate? As long as men could find sufficient women in their own tribe there was no need for it whatsoever. But quite as often we find that among undeveloped peoples certain groups exist (which round about 1865 were still often identified with the tribes themselves) in which marriage within the group is forbidden, so that the men are obliged to secure their wives, and the women their husbands, from outside; while among others the custom prevails that the men of a certain group are compelled to find their wives only within their own group. McLennan designates the first type of group exogamous, and the second endogamous, and without further ado establishes a rigid antithesis between exogamous and endogamous "tribes." And although his own researches into exogamy bring under his very nose the fact that in many, if not most, or even all cases this antithesis exists only in his own imagina-

tion, he nevertheless makes it the foundation of his entire theory. According to this theory, exogamous tribes may procure their wives only from other tribes; and in the state of permanent inter-tribal warfare that is characteristic of savagery, this could be done only by abduction.

McLennan argues further: Whence this custom of exogamy? The conceptions of consanguinity and incest could have nothing to do with it, for these are things which developed only much later. But the custom of killing female children immediately after birth, which was widely prevalent among savages, might have something to do with it. This custom created a superfluity of men in each individual tribe, the necessary and immediate sequel of which was the common possession of a woman by a number of men—polyandry. The consequence of this again was that the mother of a child was known, but the father was not, hence kinship was reckoned only through the female line to the exclusion of the male — mother-right. And another consequence of the dearth of women within a tribe—a dearth mitigated but not overcome by polyandry, was precisely the systematic, forcible abduction of women of other tribes. "Since exogamy and polyandry are referable to one and the same cause—a want of balance between the sexes—we are forced to regard *all the exogamous races as having originally been polyandrous*.... Therefore, we must hold it to be beyond dispute that among exogamous races the first system of kinship was that which recognized blood-ties through mothers only." (McLennan, *Studies in Ancient History*, 1886. *Primitive Marriage*, p. 124.).

McLennan's merit lies in having drawn attention to the general prevalence and great importance of what he terms exogamy. But he by no means *discovered* the existence of exogamous groups, and still less did he understand it. Apart from the earlier, isolated notes of many observers which served as McLennan's sources, Latham (*Descriptive Ethnology*, 1859) exactly and correctly described this institution among the Indian Magars and declared that it was generally prevalent and existed in all parts of the world—a passage which McLennan himself quotes. And our Morgan, too, as far back as 1847, in his Letters on the Iroquois (in the *American Review*) and in 1851 in *The League of the Iroquois* proved that it existed in this tribe, and described it correctly, whereas, as we shall see, McLennan's lawyer's mentality caused far greater confusion on this subject than Bachofen's mystical phantasy caused in the sphere of mother-right. It is also to McLennan's credit that he recognized the matriarchal system of descent as the original form, although, as he himself admitted later, Bachofen preceded him in this. But here again he is far from clear; he speaks continually of "kinship through females only" and constantly applies this expression—correct for an earlier stage—to later

stages of development, where, although descent and inheritance are still exclusively reckoned through the female line, kinship is also recognized and expressed in the male line. This reflects the restricted outlook of the jurist, who creates a rigid legal expression for himself and continues to apply it without modification to conditions which have rendered it inapplicable.

In spite of its plausibility, McLennan's theory evidently did not seem to be too well-founded even to the author himself. At least, he himself is struck by the fact that it is "worthy of note that the practice of the [mock] abduction of women is seen in its most striking and expressive form precisely among those peoples among whom *male kinship* [meaning descent through the male line] is the rule" (p. 140). And, again, "it is a remarkable fact that, as far as we know, infanticide is nowhere systematically practised where exogamy and the most ancient form of kinship exist side by side" (p. 146). Both these facts directly refute his interpretation, and he can oppose to them only new, still more intricate hypotheses.

Nevertheless, in England his theory met with great approbation and evoked a great response. McLennan was generally accepted there as the founder of the history of the family, and the most eminent authority in this field. His antithesis between exogamous and endogamous "tribes," notwithstanding the individual exceptions and modifications admitted, remained nevertheless the recognized foundation of the prevailing conception, and was the blinker which made any free survey of the field under investigation and, consequently, any definite progress, impossible. In view of McLennan's overrating, which became the vogue in England and, following the English fashion, elsewhere as well, it is a duty to point out that the harm he caused with his completely misguided antithesis between exogamous and endogamous "tribes" outweighs the good done by his researches.

Meanwhile, more and more facts soon came to light, which did not fit into his neat scheme. McLennan knew only three forms of marriage—polygamy, polyandry and monogamy. But once attention had been directed to this point, more and more proofs were discovered of the fact that among undeveloped peoples, forms of marriage existed in which a group of men possessed a group of women in common; and Lubbock in his *Origin of Civilization* (1870) recognized this group marriage ("communal marriage") as a historical fact.

Immediately after, in 1871, Morgan appeared with new and, in many respects, conclusive material. He had become convinced that the peculiar system of kinship prevailing among the Iroquois was common to all the aborigines of the United States and was thus spread over a whole

continent, although it conflicted directly with the degrees of kinship actually arising from the system of marriage in force there. He thereupon prevailed on the American Federal Government to collect information about the kinship systems of other peoples, on the basis of questionnaires and tables drawn up by himself; and he discovered from the answers:

1. that the American Indian system of kinship prevailed among numerous tribes in Asia, and, in a somewhat modified form, in Africa and Australia;

2. that it was completely explained by a form of group marriage, now approaching extinction, in Hawaii and in other Australian Islands; and

3. that alongside this marriage form, a system of kinship also prevailed in these same islands which could only be explained by a still earlier, but now extinct form of group marriage.

He published the collected data and his conclusions from them in his *Systems of Consanguinity and Affinity* (1871) and thereby carried the discussion on to an infinitely wider field. Taking the systems of kinship as his starting point, he reconstructed the forms of the family corresponding thereto, and thereby opened up a new path of investigation and a more far reaching retrospect into the pre-history of mankind. Were this method to be recognized as valid, McLennan's neat construction would be resolved into thin air.

McLennan defended his theory in the new edition of *Primitive Marriage* (*Studies in Ancient History*, 1876). While he himself very artificially constructs a history of the family out of sheer hypotheses, he demands of Lubbock and Morgan not only proofs for every one of their statements, but proofs of incontestable validity such as would be admitted only in a Scottish Court of Law. And this is done by the man who from the close relationship between uncle (mother's brother) and nephew (sister's son) among the Germans (Tacitus, *Germania*, Chap. 20), from Caesar's report that the Britons in groups of ten or twelve possessed their wives in common, and from all the other reports of ancient writers concerning community of women among the barbarians—unhesitatingly concludes that polyandry was the rule among all these peoples! It is like listening to a counsel for the prosecution, who permits himself every license in preparing his own case, but demands that the defending counsel shall present the most formal, legally valid proof for every word.

Group marriage is a pure figment of the imagination, he asserts, and thus falls back far behind Bachofen. Morgan's systems of kinship, he says, are nothing more than mere conventions of social politeness, proved by the fact that the Indians are also in the habit of addressing strangers, white men, as "brother," or "father." It is as if one were to argue

that the terms mother, father, brother, sister, are merely empty forms of address because Catholic priests and abbesses are likewise addressed as father and mother, and because monks and nuns, and even freemasons and members of English craft unions in solemn session assembled, are addressed as brother and sister. In short, McLennan's defence was miserably weak.

One point, however, remained on which he had not been refuted. The antithesis between exogamous and endogamous "tribes," upon which his whole system rested, was not only unshaken, but was even generally accepted as the pivot of the entire history of the family. It was admitted that McLennan's attempt to explain this antithesis was inadequate and contradicted the very facts he himself had enumerated. But the antithesis itself, the existence of two mutually exclusive types of separate and independent tribes, one of which took its wives from within the tribe, while this was absolutely forbidden in the other—this passed as incontrovertible gospel. See, for example, B. Giraud-Teulon's *Origines de la famille* (1874) and even Lubbock's *Origin of Civilization* (Fourth Edition, 1882).

This is the point at which Morgan's chief work enters: *Ancient Society* (1877), the book upon which the present work is based. What Morgan only dimly surmised in 1871 is here developed with full comprehension. Endogamy and exogamy constitute no antithesis; up to the present no exogamous "tribes" have been brought to light anywhere. But at the time when group marriage still prevailed—and in all probability it existed everywhere at one time—the tribe consisted of a number of groups related by blood on the mother's side, gentes, within which marriage was strictly prohibited, so that the men of a gens, although they could, and as a rule did, take their wives from within their tribe, had, however, to take them from outside their gens. Thus, while the gens itself was strictly exogamous, the tribe, embracing all the gentes, was as strictly endogamous. With this, the last remnants of McLennan's artificial structure definitely collapsed.

Morgan, however, did not rest content with this. The gens of the American Indians served him as a means of making the second decisive advance in the field of investigation he had undertaken. He discovered that the gens, organized according to mother-right, was the original form out of which developed the later gens, organized according to father-right, the gens as we find it among the civilized peoples of antiquity. The Greek and Roman gens, an enigma to all previous historians, was now explained by the Indian gens, and thereby, a new basis was found for the whole history of primitive society.

The re-discovery of the original matriarchal gens as the stage preliminary to the patriarchal gens of the civilized peoples has the same signi-

ficance for primitive history as Darwin's theory of evolution has for biology, and Marx's theory of surplus value has for political economy. It enabled Morgan to outline for the first time a history of the family, wherein at least the classical stages of development are, on the whole, provisionally established, as far as the material at present available permits. Clearly, this opens a new era in the treatment of primitive history. The matriarchal gens has become the pivot around which this entire science turns; since its discovery we know in which direction to conduct our researches, what to investigate and how to classify the results of our investigations. As a consequence, progress in this field is now much more rapid than it was before Morgan's book appeared.

Morgan's discoveries are now generally recognized, or rather appropriated by the pre-historians even in England. But scarcely one of them will openly acknowledge that it is to Morgan that we owe this revolution in outlook. In England his book is persistently hushed up as far as possible, and Morgan himself is dismissed with condescending praise for his *previous* work; the details of his exposition are eagerly seized upon for criticism, while an obstinate silence reigns with regard to his really great and important discoveries. The original edition of *Ancient Society* is now out of print; in America there is no profitable market for books of this sort; in England, it would seem, the book was systematically suppressed, and the only edition of this epoch-making work still in circulation among booksellers is—the German translation.

Whence this reserve, which it is difficult not to regard as a conspiracy of silence, particularly in view of the host of vapid and polite quotations and other evidences of camaraderie, with which the writings of our recognized pre-historians abound? Is it because Morgan is an American, and it is very hard for the English pre-historians, despite their highly commendable diligence in the collection of material, to have to depend for the general viewpoint which determines the arrangement and grouping of this material, in short, for their ideas, upon two talented foreigners—Bachofen and Morgan? A German might be tolerated, but an American? Every Englishman becomes patriotic when faced with an American, diverting examples of which fact were brought home to me while I was in the United States. To this it must be added, that McLennan was, so to speak, the officially proclaimed founder and leader of the English prehistoric school; that it was, in a sense, good form among pre-historians to refer only with the greatest reverence to his artificially constructed historical theory of evolution from infanticide, through polyandry and marriage by abduction to the matriarchal family; that the slightest doubt cast upon the existence of endogamous and exogamous "tribes," each totally exclusive of the other, was regarded as rank heresy; so that Mor-

gan, in thus resolving all these sacred dogmas into thin air, was guilty of a kind of sacrilege. Moreover, he did this in such a way that he had only to state his case for it to become obvious at once; and McLennan's disciples, hitherto staggering about between endogamy and exogamy, were almost driven to pulling their hair and exclaiming: "How could we have been so stupid as not to have discovered all this for ourselves long ago?"

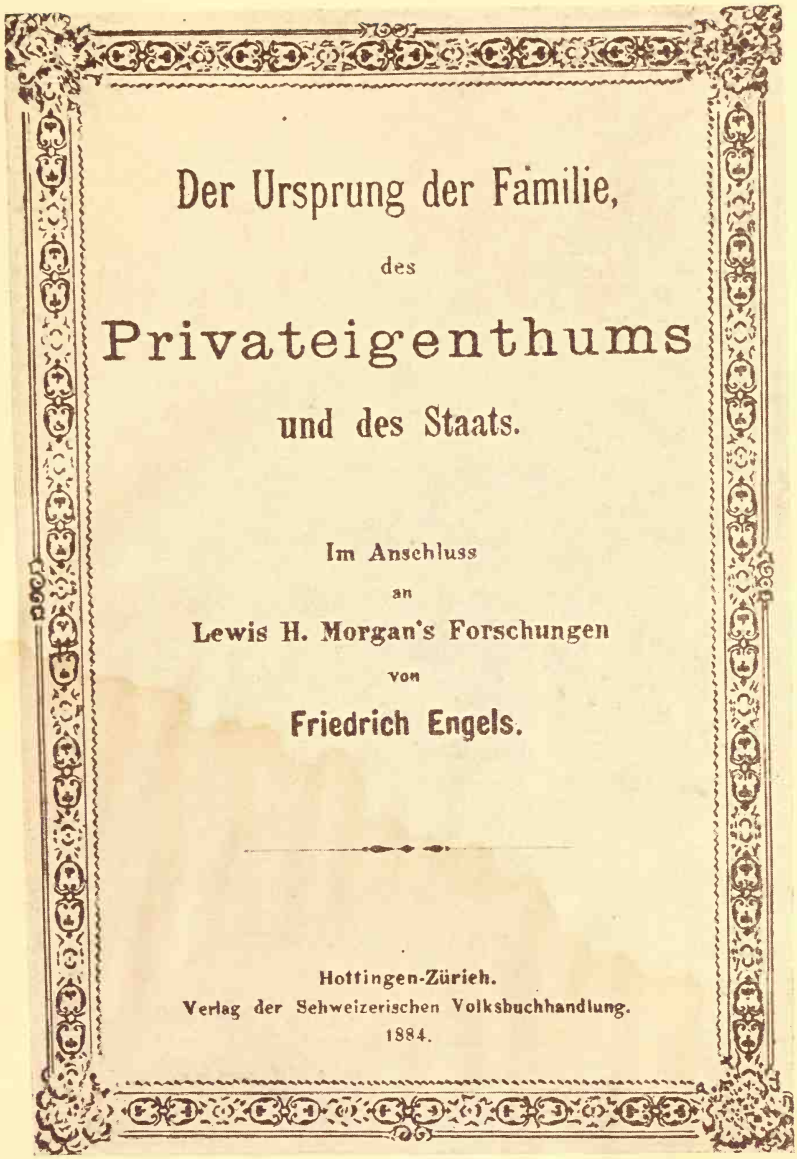
And, as though this were not crime enough to make it impossible for the official school to treat him with anything else than cold indifference, Morgan filled the cup to overflowing not only by criticizing civilization, the society of commodity production, the basic form of our present-day society, after a fashion reminiscent of Fourier, but also by speaking of a future transformation of society in words which Karl Marx might have used. He received his deserts, therefore, when McLennan indignantly charged him with having "a profound antipathy to the historical method," and, when in 1884 Professor Giraud-Teulon of Geneva endorsed this view. Was it not this same Mr. Giraud-Teulon, who, in 1874 (*Origines de la famille*) was still wandering helplessly in the maze of McLennan's exogamy, from which it took Morgan to liberate him?

It is not necessary for me to deal here with the other advances which the history of primitive society owes to Morgan; a reference to what is needed will be found in the course of this book. During the fourteen years that have elapsed since the publication of his chief work our material relating to the history of primitive human societies has been greatly augmented. In addition to anthropologists, travellers and professional pre-historians, students of comparative law have taken the field and have brought forth new material, and partly new points of view. As a consequence, some of Morgan's particular hypotheses have been shaken, or have even become obsolete. But nowhere have the newly-collected data led to the supplanting of his main conceptions by others. In its main features, the order he introduced into the study of the history of primitive society holds good to this day. We can even say that it is finding increasingly general acceptance in the same measure as his authorship of this great advance is being concealed.*

FRIEDRICH ENGELS

London, June 16, 1891

* On my return voyage from New York in September 1888 I met an ex-Congressman for Rochester who had known Lewis Morgan. Unfortunately, he could tell me little about him. Morgan, he said, had lived in Rochester as a private citizen, occupying himself only with his studies. His brother was a colonel in the Army, and held a post in the War Department at Washington. Through the good offices of this brother, he had succeeded in interesting the government in his researches and in publishing a number of his works at public cost. This ex-Congressman had also assisted in this while in Congress.—*F. E.*



FACSIMILE OF COVER OF FIRST GERMAN EDITION

THE ORIGIN OF THE FAMILY, PRIVATE PROPERTY AND THE STATE

CHAPTER ONE

PRE-HISTORIC STAGES OF CULTURE

Morgan was the first person with expert knowledge to attempt to introduce a definite order in the study of the history of primitive man; unless important additional material necessitates alterations, his classification may well remain in force.

Of the three main epochs: Savagery, Barbarism and Civilization, he is naturally concerned only with the first two, and with the transition to the third. He subdivides each of these two epochs into a lower, middle and upper stage, according to the progress made in the production of the means of subsistence, for, as he says: "Upon their skill in this direction, the whole question of human supremacy on the earth depended. Mankind are the only beings who may be said to have gained an absolute control over the production of food.... It is accordingly probable that the great epochs of human progress have been identified, more or less directly, with the enlargement of the sources of subsistence."* The development of the family proceeds concurrently, but does not offer such outstanding criteria for the delimitation of the periods.

1. SAVAGERY

1. *Lower Stage.* Infancy of the human race. Man still lived in his original habitat, tropical or sub-tropical forests, dwelling, at least partially, in trees; this alone explains his continued survival in face of the attacks of large beasts of prey. Fruits, nuts and roots served him as food; the formation of articulate speech was the main achievement of this period. None of the peoples that have become known during the historical period belonged any longer to this primeval stage. Although this period may have lasted for many thousands of years, we have no direct evidence of

* Morgan, *Ancient Society*, p. 19.—*Ed. Eng. ed.*

its existence; but once we admit the descent of man from the animal kingdom, the acceptance of this transitional stage is inevitable.

2. *Middle Stage.* Commences with the acquisition of a fish subsistence (under which head we also include crabs, shell-fish and other aquatic animals) and with the use of fire. These two are complementary, since fish becomes fully edible only by the use of fire. This new food, however, made man independent of climate and locality. By following the rivers and coasts man was able, even in his savage state, to spread over the greater part of the earth. The crude, unpolished stone implements of the earlier Stone Age—the so-called Paleolithic Period—which belong wholly, or at least predominantly, to this period, are evidence, scattered over all the continents, of these migrations. The newly-occupied territories as well as the unceasingly active urge for discovery, linked with their command of the art of producing fire by friction, made available new means of subsistence, such as farinaceous roots and tubers, baked in hot ashes or in baking pits (ground ovens), and game, which was occasionally added to the diet after the invention of the first weapons—clubs and spears. Exclusively hunting tribes, such as figure in books, i. e., tribes subsisting *solely* by hunting, have never existed, for the fruits of the chase are much too precarious to make such an existence possible. As a consequence of the continued uncertainty with regard to sources of subsistence, cannibalism appears to have arisen at this stage, and continued for a long time. The Australian aborigines and many Polynesian tribes are to this day in this middle stage of savagery.

3. *Upper Stage.* Commences with the invention of the bow and arrow, whereby wild game became a regular item of food, and hunting one of the normal occupations. Bow, string and arrow, constitute a very complex instrument, the invention of which pre-supposes a long accumulated experience and sharpened mental powers, and consequently, an acquaintance with a host of other inventions. If we compare the peoples who, although familiar with the bow and arrow, are not yet acquainted with the art of pottery (from which point Morgan dates the transition to barbarism), we find, even at this early stage, the beginnings of settlement in villages, a certain amount of skill in producing means of subsistence, wooden vessels and utensils, finger-weaving (without looms) with filaments of bast, baskets woven from bast or rushes, and polished (neolithic) stone implements. For the most part, also, fire and the stone axe have already provided the canoe, and, in places, timber and planks for house-building. All these advances are to be found, for example, among the Indians of North-West America, who, although familiar with the bow and arrow, know

nothing as yet of pottery. The bow and arrow was for the period of savagery what the iron sword was for barbarism and fire-arms for civilization—namely, the decisive weapon.

2. BARBARISM

1. *Lower Stage.* Dates from the introduction of pottery. This latter had its origin, demonstrably in many cases and probably everywhere, in the coating of baskets or wooden vessels with clay in order to render them fire-proof; whereby it was soon discovered that the moulded clay also served the purpose without the inner vessel.

Up to this point we could regard the course of evolution as being generally valid for a definite period among all peoples, irrespective of locality. With the advent of barbarism, however, we reach a stage where the unequal natural endowments of the two hemispheres begins to assert itself. The characteristic feature of the period of barbarism is the domestication and breeding of animals and the cultivation of plants. Now the Eastern Hemisphere, the so-called Old World, contained almost all the animals adapted to domestication and all the cultivable cereals with one exception; while the Western Hemisphere, America, contained only one domesticable mammal, the llama, and this only in a part of the south; and only one cereal fit for cultivation, but that the best, maize. The effect of these different natural conditions was that from now on the population of each hemisphere went its own special way, and the landmarks on the boundary lines between the various stages are different in each of the two cases.

2. *Middle Stage.* Commences in the East with the domestication of animals; in the West with the cultivation of edible plants by means of irrigation, and with the use of adobes (bricks dried in the sun) and stone for buildings.

We shall commence with the West, because there this stage was nowhere outgrown until the European Conquest.

At the time of their discovery the Indians in the lower stage of barbarism (to which all those found east of the Mississippi belonged) already engaged to a certain extent in the garden-cultivation of maize and perhaps also of pumpkins, melons and other garden produce, which supplied a very substantial part of their food. They lived in wooden houses, in villages surrounded by stockades. The tribes of the Northwest, particularly those living in the neighbourhood of the Columbia River, still remained in the upper stage of savagery and were familiar neither with pottery nor with any kind of plant cultivation. On the other hand, the so-called

Pueblo Indians of New Mexico, the Mexicans, Central-Americans and Peruvians were already in the middle stage of barbarism at the time of the Conquest. They lived in fort-like houses built of adobe or stone, they cultivated, in artificially irrigated gardens, maize and other edible plants, varying according to location and climate, which constituted their chief source of subsistence, and they had even domesticated a few animals—the Mexicans the turkey and other birds, and the Peruvians the llama. They were furthermore acquainted with the use of wrought metals—with the exception of iron, which was the reason why they could not dispense with the use of stone weapons and stone implements. The Spanish Conquest cut short all further independent development.

In the East, the middle stage of barbarism commenced with the domestication of animals which provided milk and meat, while plant cultivation appears to have remained unknown until very late in this period. The domestication and breeding of cattle and the formation of large herds seem to have caused the Aryans and the Semites to emerge from the remaining mass of barbarians. Names of cattle are still common to the European and the Asiatic Aryans, the names of cultivable plants hardly at all.

In suitable places the formation of herds led to pastoral life; the Semites on the grassy plains of the Euphrates and the Tigris; the Aryans on those of India, of the Oxus and the Jaxartes, of the Don and the Dnieper. The domestication of animals must have been first accomplished on the borders of such pasture lands. It thus appears to later generations that the pastoral peoples originated in areas which, far from being the cradle of mankind, were, on the contrary, almost uninhabitable for their savage forebears and even for people in the lower stages of barbarism. On the other hand, once these barbarians of the middle stage took to pastoral life, it would never occur to them to leave the grassy watered plains of their own accord and return to the forest regions which had been the home of their ancestors. Even when the Aryans and Semites were driven further north and west, they found it impossible to settle in the forest regions of Western Asia and Europe, until they had been enabled, by means of the cultivation of cereals, to feed their cattle on this less favourable soil, and particularly to pass the winter there. It is more than probable that the cultivation of cereals was introduced here, in the first instance, owing to the necessity of providing fodder for cattle and only later became important for human food.

The plentiful meat and milk diet among the Aryans and the Semites, and particularly the beneficial effects of these foods on children, may, perhaps, explain the superior development of these two races. In fact, the Pueblo Indians of New Mexico, who are reduced to an almost exclusively

vegetarian diet, have a smaller brain than the more meat and fish-eating Indians in the lower stage of barbarism. At any rate, cannibalism gradually disappears at this stage, and survives only as a religious rite or, what is almost identical in this instance, sorcery.

3. *Upper Stage.* Commences with the smelting of iron ore and merges into civilization with the invention of alphabetic writing and its utilization for literary records. In this stage, which, as we have already noted, was traversed independently only in the Eastern Hemisphere, more progress was made in production than in all the previous stages put together. To it belong the Greeks of the Heroic Age, the Italian tribes shortly before the foundation of Rome, the Germans of Tacitus and the Normans of the days of the Vikings.

Above all, we here encounter for the first time the iron plough-share drawn by cattle, making possible cultivation on a wide scale—*field agriculture*—and, in the conditions then prevailing, a practically unlimited increase in the means of subsistence; in connection with this we find also the clearing of forests and their transformation into arable and pasture land—which would have been impossible on any considerable scale without the iron axe and spade. But with this there also came a rapid increase of the population and dense populations in small areas. Prior to field agriculture only very exceptional circumstances could have brought together half a million people under a central government; in all probability this never happened.

In the poems of Homer, particularly the *Iliad*, we find the upper stage of barbarism at its zenith. Finished iron tools, the bellows, the hand-mill, the potter's wheel, the making of wine and oil, the working up of metals developing into art, carriages and war-chariots, ship-building with planks and beams, the beginnings of architecture as an art, walled towns with towers and ramparts, the Homeric Epic and the entire mythology—these are the chief heritages carried over by the Greeks in their transition from barbarism to civilization. If we compare with this Caesar's and even Tacitus' descriptions of the Germans, who were on the threshold of that stage of culture from which the Homeric Greeks were preparing to advance into a higher, we will see how rich was the development of production in the upper stage of barbarism.

The picture of the evolution of mankind through savagery and barbarism to the beginnings of civilization that I have here sketched after Morgan, is already rich enough in new and, what is more, incontestable features, incontestable because they are taken straight from the conditions of production; but it will appear faint and meagre compared with the picture which will unroll itself at the end of our journey. Only then will it be possible to give a full view of the transition from barbarism

to civilization and the striking contrast between the two. For the time being we can generalize Morgan's periodization as follows: Savagery—the period in which the appropriation of natural products, ready for use, predominated; the things produced by man are, in the main, instruments that facilitate this appropriation. Barbarism—the period in which knowledge of cattle-breeding and agriculture was acquired; in which methods of increasing the productivity of nature through human activity were learnt. Civilization—the period in which knowledge of the further working-up of natural products, of industry proper, and of art was acquired.

CHAPTER TWO

THE FAMILY

Morgan, who spent the greater part of his life among the Iroquois—who still inhabit the State of New York—and was adopted by one of their tribes (the Senecas), discovered a system of kinship prevailing among them, that stood in contradiction to their actual family relationships. Marriage between single pairs, with easy separation on both sides, which Morgan termed the "pairing family," was the rule among them. The offspring of such a pair was known and recognized by all, and no doubt could arise as to the person to whom the designation father, mother, son, daughter, brother, sister should be applied. But the actual use of these terms stood in contradiction to this. The Iroquois calls not only his own children sons and daughters, but those of his brothers also; and they in their turn call him father. On the other hand, he calls his sisters' children nephews and nieces; and they call him uncle. Similarly, the Iroquois woman calls her sisters' children sons and daughters along with her own; and they in turn call her mother. On the other hand, she addresses her brothers' children as nephews and nieces; and she is called their aunt. In the same way, the children of brothers call one another brothers and sisters, and so do the children of sisters. The children of a woman and those of her brother, on the other hand, call each other cousins. And these are no mere empty terms, but expressions of ideas actually in force concerning nearness and remoteness, equality and inequality of blood-relationship; and these ideas serve as the basis for a completely worked out system of consanguinity, capable of expressing some hundreds of different relationships of a single individual. Furthermore, this system not only exists in full force among all American Indians (no exceptions have as yet been discovered), but also prevails almost unchanged among the aborigines of India, among the Dravidian tribes in the Deccan and the Gaura tribes in Hindustan. The terms of kinship current among the Tamils of South India and the Seneca Iroquois in the State of New York are identical even at the present day for more than two hundred different

relationships. And among these tribes in India, also, as among all the American Indians, the relationships arising out of the prevailing form of the family stand in contradiction to the system of consanguinity.

How is this to be explained? In view of the decisive role which kinship plays in the social order of all peoples in the stage of savagery and barbarism, the significance of so widespread a system cannot be explained away by mere phrases. A system which is generally prevalent throughout America, which likewise exists in Asia among peoples of an entirely different race, and more or less modified forms of which abound everywhere throughout Africa and Australia, requires to be historically explained; it cannot be explained away as McLennan, for example, attempted to do. The terms father, child, brother and sister are no mere honorific titles, but carry with them absolutely definite and very serious mutual obligations, the totality of which forms an essential part of the social constitution of these peoples. And the explanation was found. In the Sandwich Islands (Hawaii) there existed as late as the first half of the nineteenth century a form of the family characterized by just such fathers and mothers, brothers and sisters, sons and daughters, uncles and aunts, nephews and nieces, as are demanded by the American and ancient Indian system of consanguinity. But strangely enough, the system of consanguinity prevalent in Hawaii again clashed with the actual form of the family existing there. There, all first cousins, without exception, are regarded as brothers and sisters and as the common children, not only of their mother and her sisters, or their father and his brothers, but of all the brothers and sisters of their parents without distinction. Thus, if the American system of consanguinity presupposes a more primitive form of the family, no longer existing in America itself, but actually found in Hawaii, the Hawaiian system of consanguinity, on the other hand, points to an even more primitive form of the family, which, although we cannot prove that it still exists anywhere, *must* nevertheless have existed, for otherwise the system of consanguinity corresponding to it could not have arisen. "The family," says Morgan, "represents an active principle. It is never stationary, but advances from a lower to a higher form as society advances from a lower to a higher condition.... Systems of consanguinity, on the contrary, are passive; recording the progress made by the family at long intervals apart, and only changing radically when the family has radically changed."* "And," adds Marx, "the same applies generally to political, juridical, religious and philosophical systems." While the family progresses, the system of consanguinity becomes ossified, and while this latter continues to exist in the customary form, the family outgrows

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* Morgan, *Ancient Society*, p. 444.—*Ed. Eng. ed.*

it. Just as Cuvier could with certainty conclude from the bones of an animal skeleton found near Paris, that this belonged to a marsupial and that now extinct marsupials had once lived there, so we, with the same certainty, can conclude from a historically transmitted system of consanguinity, that an extinct form of the family corresponding to it had once existed.

The systems of consanguinity and of forms of the family just referred to differ from those which prevail today, in that each child has several fathers and mothers. According to the American system of consanguinity, to which the Hawaiian family corresponds, brother and sister cannot be the father and the mother of one and the same child; the Hawaiian system of consanguinity, on the contrary, presupposes a family in which this was the rule. We are confronted with a series of forms of the family which directly contradict the form hitherto generally accepted as being the only one prevailing. The traditional conception knows monogamy only, along with polygamy on the part of individual men, and even, perhaps, polyandry on the part of individual women, and hushes up the fact—as is the way with moralizing philistines—that in practice, these bounds imposed by official society are silently, but unblushingly transgressed. The study of the history of primitive society, on the contrary, reveals to us conditions in which men live in polygamy and their wives simultaneously in polyandry, and the common children are therefore regarded as being common to them all; in their turn, these conditions undergo a whole series of modifications until they are ultimately dissolved in monogamy. These modifications are of such a character that the circle of people bound by the tie of common marriage—very wide originally—becomes more and more restricted, until, finally, only the single couple is left, the form predominating today.

In thus constructing retrospectively the history of the family, Morgan, in complete agreement with the majority of his colleagues, arrived at the primitive stage in which promiscuous intercourse prevailed within a tribe, so that every woman belonged to every man and, similarly, every man belonged to every woman. There had been talk about such a primitive stage ever since the last century,* but only in the most general way; Bachofen was the first—and this was one of his great services—to take it seriously and to search for traces of it in historical and religious traditions. We know today that the traces Bachofen discovered do not lead back to a social stage of sexual promiscuity, but to a much later form, group marriage. That primitive social stage, if it really existed at all, belongs to so remote an epoch, that we can scarcely expect to find *direct*

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* I.e., eighteenth century.—*Ed. Eng. ed.*

evidence of its existence in social fossils among backward savages. It is precisely to Bachofen's credit that he placed this question in the forefront of investigation.*

It has become the fashion of late to deny the existence of this initial stage in the sexual life of mankind. The aim is to spare humanity this "shame." Apart from the absence of any direct evidence, reference is particularly made to the example of the rest of the animal world. Letourneau (*Evolution du mariage et de la famille*,** 1888) has collected numerous facts purporting to show that in the animal world, too, absolute sexual promiscuity belongs to a lower stage. The only conclusion I can draw from all these facts, however, is that they prove absolutely nothing as far as man and his primeval conditions of life are concerned. Mating for lengthy periods of time among vertebrate animals can be sufficiently explained on physiological grounds, e. g., among birds, the helplessness of the female during brooding time; the example of faithful monogamy among birds proves nothing whatsoever for human beings, since these are not descended from birds. And if strict monogamy is to be regarded as the acme of all virtue, then the palm must be given to the tape-worm which possesses a complete male and female sexual apparatus in every one of its 50 to 200 proglottides or segments of the body, and passes the whole of its life in cohabiting with itself in every one of these segments. If, however, we limit ourselves to mammals, we find all forms of sexual life among them: promiscuity, echoes of group marriage, polygamy and monogamy. Only polyandry is absent. This could only be achieved by human beings. Even our nearest relations, the quadrumana, exhibit the utmost possible diversity in the grouping of male and female; and, if we want to draw the line closer and consider only the four anthropoid apes, Letourneau can only tell us that they are sometimes monogamous and sometimes polygamous, while Saussure, quoted by Giraud-Teulon, asserts that they are monogamous. The recent assertions of Westermarck in his *History of Human Marriage* (London 1891) regarding monogamy among anthropoid apes are also far from being conclusive. In short, the reports are of such a character that the honest Letourneau admits: "For

* How little Bachofen understood what he had himself discovered, or rather guessed, is proved by his description of this primitive stage as "hetaerism." This word was used by the Greeks, when they introduced it, to describe intercourse between unmarried men, or those living in monogamy, and unmarried women; it always presupposes the existence of a definite form of marriage outside of which this intercourse takes place, and already includes prostitution, at least as a possibility. The word was never used in any other sense and I use it in this sense with Morgan. Bachofen's highly important discoveries are everywhere incredibly mystified by the fantastic belief that the historically developed relations between man and woman sprang from the religious ideas of the given period and not from the actual conditions of life. (*F. E.*)

** *The Evolution of Marriage and of the Family.—Ed. Eng. ed.*

the rest there exists among the mammals absolutely no strict relation between the degree of intellectual development and the form of sexual intercourse." And Espinas (*Des Sociétés animals,** 1877) says point-blank: "The herd is the highest social group observable among animals. It *appears* to be composed of families, but right from the outset *the herd and the family stand in antagonism to each other* and they develop in inverse ratio."

As is evident from the above, we know next to nothing conclusively about the family and other social groupings of the anthropoid apes. The reports directly contradict one another. Nor is this to be wondered at. How contradictory, how much in need of critical examination and sifting are the reports in our possession concerning even savage human tribes! But ape societies are still more difficult to observe than human societies. We must, therefore, for the present reject every conlusion drawn from such absolutely unreliable reports.

The passage from Espinas, quoted above, however, provides us with a better clue. Among the higher animals the herd and the family are not complementary, but antagonistic to each other. Espinas describes very neatly how jealousy amongst the males at mating time loosens, or temporarily dissolves, every social herd. "Where the family is closely bound together herds are rare exceptions. On the other hand, the herd arises almost spontaneously where free sexual intercourse or polygamy is the rule. . . . For a herd to arise the family ties must have been loosened and the individual freed again. That is why we so rarely meet with organized flocks among birds. . . . Among mammals, on the other hand, more or less organized societies are to be found, precisely because the individual in this case is not merged in the family. . . . Thus, at its inception, the community feeling of the herd can have no greater enemy than the community feeling of the family. Let us not hesitate to say it openly: if a higher social form than the family has evolved, it can have been due solely to the fact that it incorporated within itself families which had undergone a fundamental transformation; which does not exclude the possibility that, precisely for this reason, these families were later able to reconstitute themselves under infinitely more favourable circumstances." (Espinas, quoted by Giraud-Teulon in his *Origines du mariage et de la famille*** 1884, pp. 518-20.)

From this it becomes apparent that animal societies have, to be sure, a certain value in drawing conclusions regarding human societies—but only in a negative sense. As far as we can ascertain, the higher vertebrates know only two forms of the family: polygamy and the single pair.

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* *Animal Societies.—Ed. Eng. ed.*

** *Origin of Marriage and of the Family.—Ed. Eng. ed.*

In both cases only *one* adult male, only *one* husband is permissible. The jealousy of the male, which is both the tie and the restriction of the family, brings the animal family into conflict with the herd. The herd, the higher social form, is rendered impossible here, loosened there, or dissolved altogether during the mating season; at best, its continued development is hindered by the jealousy of the male. This alone suffices to prove that the animal family and primitive human society are irreconcilable things; that early man, working his way up out of the animal stage, either knew no family whatsoever, or at the most, knew of a family that is non-existent among animals. So weaponless an animal as the creature that was becoming man could also survive in small numbers in isolation with the single pair as the highest social form, such as is ascribed by Westermarck to the gorilla and the chimpanzee on the basis of hunters' reports. For evolution out of the animal stage, however, for the completion of the greatest advance known to nature, another element was needed: the replacement of the individual's inadequate power to protect himself by the united strength and co-operation of the horde. The transition to the human stage out of conditions such as those under which the anthropoid apes live today would be absolutely inexplicable. These apes rather give the impression of being stray sidelines gradually approaching extinction, and at any rate, in process of decline. This alone is sufficient reason for rejecting all conclusions that are based on parallels drawn between their family forms and those of early man. Mutual toleration among the adult males, freedom from jealousy, was, however, the first condition for the building of those large and enduring groups in which alone the transformation from animal to man could be fully achieved. And indeed, what do we find as the oldest, most primitive form of the family, of which undeniable evidence can be found in history, and which even today can be studied here and there? Group marriage, the form in which whole groups of men and whole groups of women belong to one another, and which leaves but little scope for jealousy. And further, we find at a later stage of development the exceptional form of polyandry, which still more precludes all feeling of jealousy, and is, therefore, unknown to animals. Since, however, the forms of group marriage known to us are accompanied by such peculiarly complicated conditions that they necessarily point to earlier, simpler forms of sexual relations and thus, in the last analysis, to a period of promiscuous intercourse corresponding to the period of transition from the animal stage to the human, references to the forms of marriage among animals, bring us back again to the very point from which they were supposed to have led us once and for all.

What, then, does "promiscuous sexual intercourse" mean? Merely that the restrictions in force at present, or in earlier times, did not exist.

We have already witnessed the collapse of the restriction of jealousy. If anything is certain, it is that jealousy is an emotion of comparatively late development. The same applies to the conception of incest. Not only did brother and sister live as man and wife originally, but sexual relations between parents and children are permitted among many peoples to this day. Bancroft (*The Native Races of the Pacific States*, 1875, Vol. I) testifies to the existence of this among the Kaviats of the Bering Straits, the Kadiaks of Alaska and the Tinnehs in the interior of British North America. Letourneau has collected reports of the same fact among the Chippewa Indians, the Cucus in Chile, the Caribbeans and the Karens of Burma; and we need not mention the accounts of the ancient Greeks and Romans concerning the Parthians, Persians, Scythians, Huns, etc. Prior to the invention of incest (and it *is* an invention, and one of the utmost value), sexual relations between parents and children could be no more disgusting than between other persons belonging to different generations—such as indeed occurs today even in the most philistine countries without exciting great horror; in fact, even "old maids" of over sixty, if they are rich enough, occasionally marry young men of about thirty. However, if we eliminate from the most primitive forms of the family known to us the conceptions of incest that are associated with them—conceptions which are totally different from and are often in direct contradiction to our own—we arrive at a form of sexual intercourse which can only be described as promiscuous—promiscuous in so far as the restrictions later established by custom did not yet exist. It by no means necessarily follows from this that a higgledy-piggledy promiscuity was in daily practice. Separate pairings for a limited time are by no means excluded; in fact, even in group marriage they now constitute the majority of cases. And if Westermarck, the latest to deny this original state, defines as marriage every case where the two sexes remain mated until the birth of offspring, then it may be said that this kind of marriage could very well occur under the conditions of promiscuous sexual intercourse, without in any way contradicting promiscuity, i. e., the absence of barriers to sexual intercourse set up by custom. Westermarck, to be sure, starts out from the viewpoint that "promiscuity involves the suppression of individual inclinations," so that "prostitution is its most genuine form." To me it rather seems that all understanding of primitive conditions remains impossible so long as we regard them through brothel spectacles. We shall return to this point again when dealing with group marriage.

According to Morgan, there developed out of this original condition of promiscuous intercourse, probably at a very early stage:

1. *The Consanguine Family.* The first stage of the family. Here the marriage groups are ranged according to generations. All the grandfathers

and grandmothers within the limits of the family are all mutual husbands and wives, the same being the case with their children, the fathers and mothers, whose children will again form a third circle of common mates, their children—the great-grandchildren of the first—in turn, forming a fourth circle. Thus, in this form of the family, only ancestors and descendants, parents and children, are excluded from the rights and obligations (as we would say) of marriage with one another. Brothers and sisters, male and female cousins of the first, second and further degrees, are all mutually brothers and sisters, and, *precisely because of this*, are all mutually husbands and wives. In this stage the relation of brother and sister includes the exercise of sexual intercourse with one another as a matter of course.* In its typical form, such a family would consist of the descendants of a pair, among whom again, the descendants of each generation are all brothers and sisters, and, precisely for that reason, all husbands and wives.

The consanguine family has become extinct. Even the crudest peoples known to history furnish no verifiable examples of this form of the family. The conclusion that *it must* have existed, however, is forced upon us by the Hawaiian system of consanguinity, still prevalent throughout the whole of Polynesia, which expresses degrees of consanguinity such as could arise only under such a form of the family; and we are forced to the same conclusion by the entire further development of the family, which postulates this form as a necessary preliminary stage.

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* Marx, in a letter written in the spring of 1882, expresses himself in the strongest possible terms about the absolute falsification of primeval times in Wagner's text of the "Nibelungs." "Whoever heard of a brother embracing his sister as his bride?" To these "lewd gods" of Wagner's, who, in quite modern style, spiced their love intrigues with a little incest, Marx gave the answer: "In primeval times the sister *was* the wife, *and that was moral.* (Footnote to the fourth edition.) A French friend and admirer of Wagner does not agree with this note, and points out that already in the "Oegisdrecka," the earlier "Edda," which Wagner took as his model, Loki accuses Freya thus: "Thine own brother hast thou embraced before the gods." Marriage between brother and sister would thus appear to have been proscribed already at that time. The "Oegisdrecka," however, is the expression of a time when belief in the ancient myths was completely shattered; it is a truly Lucianian satire on the gods. If Loki, as Mephistopheles, makes such an accusation against Freya, it argues rather against Wagner. A few verses later, Loki also says to Niördhr: "You begat (such) a son by your sister" (vidh systur thinni gaztu slikan mög). Now, Niördhr is not an Asa but a Vana, and says, in the Ynglinga Saga, that marriages between brothers and sisters are customary in Vanaland, which is not the case amongst the Asas. This would seem to indicate that the Vanas were older gods than the Asas. At any rate, Niördhr lived among the Asas as their equal, and the "Oegisdrecka" is thus rather a proof that intermarriage between brothers and sisters, at least among the gods, aroused little revulsion at the time the Norwegian Sagas of the gods originated. If one wants to excuse Wagner, one would do better to cite Goethe instead of the Edda, for Goethe, in his Ballad of God and the Bayadere, makes a similar mistake regarding the religious surrender of women, which he likens far too closely to modern prostitution. (*F. E.*)

2. *The Punaluan Family.* If the first advance in organization was the exclusion of parents and children from mutual sexual relations, the second was the exclusion of brothers and sisters. In view of the greater similarity in the ages of the participants, this step forward was infinitely more important, but also more difficult, than the first. It was accomplished gradually, commencing most probably with the exclusion of natural brothers and sisters (i.e., on the maternal side) from sexual relations, at first in isolated cases, then gradually becoming the rule (in Hawaii exceptions to this rule still existed in the present century*) and finally ending with the prohibition of marriage even between collateral brothers and sisters, or, as we would call them, between first, second and third cousins. According to Morgan it "affords a good illustration of the operation of the principle of natural selection."** It is beyond question that the tribes among whom inbreeding was restricted by this advance were bound to develop more rapidly and fully than those among whom intermarriage between brothers and sisters remained the rule and custom. And how powerfully the effect of this advance was felt is proved by the institution of the *gens,* which arose directly from it, and travelled far beyond the original goal. The gens was the foundation of the social order of most, if not all, the barbarian peoples of the world, and in Greece and Rome we pass directly from it into civilization.

Every primeval family had to split up after a couple of generations, at the latest. The original communistic household, which prevailed without exception until late into the middle stage of barbarism, determined a certain maximum size of the family community, varying according to circumstances, but more or less definite in each locality. As soon as the conception of the impropriety of sexual intercourse between the children of a common mother arose, it was bound to have a marked effect upon this division of the old and the foundation of new, communal, households (which, however, did not necessarily coincide with the family groups). One or more groups of sisters became the nucleus of one household, their natural brothers the nucleus of the other. In this or some similar way the form of the family which Morgan calls the punaluan family, developed out of the consanguine family. According to the Hawaiian custom, a number of sisters, either natural or remote (i. e., first, second or more distant cousins) were the common wives of their common husbands, from which relation, however, their brothers were excluded. These husbands no longer addressed one another as brothers—which indeed they no longer had to be—but as "punalua," i. e., intimate companion, comrade, as it were. In the same way, a group of natural or remote brothers held

* I. e., nineteenth century.—*Ed. Eng. ed.*

** Morgan, *Ancient Society,* p. 434.—*Ed. Eng. ed.*

in common a number of women, who were not their sisters, and these women addressed one another as "punalua." This is the classical form of family structure which later admitted of a series of variations, and the essential characteristic feature of which was: mutual community of husbands and wives within a definite family circle, from which, however, the brothers of the wives—first the natural brothers, and later those of more remote degrees also—were excluded; the same applying conversely to the sisters of the husbands.

This form of the family now furnishes us with the most complete accuracy the degrees of kinship as expressed in the American system. The children of my mother's sisters still remain her children, the children of my father's brothers being likewise his children, and all of them are my brothers and sisters; but the children of my mother's brothers are now her nephews and nieces, the children of my father's sisters are his nephews and nieces, and they all are my cousins. For while my mother's sisters' husbands still remain her husbands, and my father's brothers' wives likewise still remain his wives—by right, if not always in actual fact—the social proscription of sexual intercourse between brothers and sisters now divided the first cousins, hitherto indiscriminately regarded as brothers and sisters, into two classes; some remain (remote) brothers and sisters as before; the others, the children of brothers on the one hand and of sisters on the other, can no longer be brothers and sisters, can no longer have common parents whether father, mother, or both, and, therefore, the class of nephews, nieces, male and female cousins—which would have been senseless in the previous family system—becomes necessary for the first time. The American system of consanguinity, which appears to be utterly absurd in every family form based on some kind of individual marriage, is rationally explained and naturally justified, down to its minutest details, by the punaluan family. To the extent that this system of consanguinity was prevalent, to exactly the same extent, at least, must the punaluan family, or a form similar to it, have existed.

This form of the family, proved actually to have existed in Hawaii, would probably have been demonstrable throughout Polynesia, had the pious missionaries—like the old-time Spanish monks in America—been able to perceive in these unchristian relations something more than mere "abomination."*

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* There can no longer be any doubt that the traces of indiscriminate sexual intercourse, his so-called "Sumpfzeugung" [marsh breeding] which Bachofen believes he has discovered, lead back to group marriage. "If Bachofen regards these punaluan marriages as 'lawless,' a man of that period would likewise regard most present-day marriages between near and distant cousins on the father's or the mother's side, as incestuous i. e., as marriages between consanguineous brothers and sisters." (Marx) (*F. E.*)

When Caesar tells us of the Britons, who at that time were in the middle stage of barbarism, that "by tens and by twelves they possessed their wives in common; and it was mostly brothers with brothers and parents with their children," this is best explained as group marriage. Barbarian mothers have not ten or twelve sons old enough to be able to keep wives in common, but the American system of consanguinity, which corresponds to the punaluan family, provides many brothers, since all a man's near and distant cousins are his brothers. The expression "parents with their children" may conceivably be a misunderstanding on Caesar's part; this system, however, does not absolutely exclude the presence of father and son, or mother and daughter, in the same marriage group, though it does exclude the presence of father and daughter, or mother and son. In the same way, this or a similar form of group marriage provides the simplest explanation of the reports of Herodotus and other ancient writers, concerning community of wives among savage and barbarian peoples. This also applies to the description of the Tikurs of Oudh (north of the Ganges) given by Watson and Kaye in their book *The People of India*: "They live together (i.e., sexually) almost indiscriminately in large communities, and when two people are regarded as married, the tie is but nominal.

In by far the majority of cases the institution of the gens seems to have originated directly out of the punaluan family. To be sure, the Australian class system also serves as a starting point for it; the Australians have gentes; but they have not yet the punaluan family; they have only a cruder form of group marriage.

In all forms of the group family it is uncertain who the father of a child is, but it is quite certain who the mother is. Although she calls *all* the children of the aggregate family her children and exercises the duties of a mother towards them, she, nevertheless, knows her natural children from the others. It is thus clear that, wherever group marriage exists, descent is only traceable on the *maternal* side, and thus the *female* line alone is recognized. This, in fact, is the case among all savage peoples and among those belonging to the lower stage of barbarism; and it is Bachofen's second great achievement to have been the first to discover this. He terms this exclusive recognition of lineage through the mother, and the inheritance relations that arose out of it in the course of time, "Mutterrecht" (mother-right). I retain this term for the sake of brevity. It is somewhat incorrect, however, for at this social stage, there is no such thing as statutory right.

Now if we take from the punaluan family one of the two standard groups—namely, that consisting of a series of natural and remote sisters (i.e., those descendent from natural sisters in the first, second or more

remote degree), together with their children and their natural or remote brothers on their mother's side (who according to our premise are *not* their husbands), we obtain exactly that circle of persons who later appear as members of a gens, in the original form of this institution. They have all a common ancestress, whose female descendants, generation by generation, are sisters by virtue of descent from her. These sisters' husbands, however, can no longer be their brothers, that is, cannot be descended from this ancestress, and, therefore, do not belong to the consanguineous group, the later gens; but their children do belong to this group, since descent on the mother's side is alone decisive, because it alone is certain. Once the proscription of sexual intercourse between all brothers and sisters, including even the most remote collateral relations on the mother's side, becomes established, the above group is transformed into a gens—i. e., constitutes itself as a rigidly limited circle of blood relations in the female line, who are not allowed to marry one another; from now on it increasingly consolidates itself by other communal institutions of a social and religious character, and differentiates itself from the other gentes of the same tribe. We shall deal with this in greater detail later. If, however, we find that the gens not only necessarily, but also obviously evolved out of the punaluan family, then it becomes safe to assume that this form of the family existed formerly among all peoples among whom gentile institutions are traceable—that is, nearly all barbarian and civilized peoples.

At the time Morgan wrote his book our knowledge of group marriage was still very limited. A little was known about the group marriages current among the Australians who were organized in classes, and, in addition, Morgan, as early as 1871, published the information at his disposal concerning the Hawaiian punaluan family. On the one hand, the punaluan family furnished the complete explanation of the system of consanguinity prevalent among the American Indians—the system which was the starting point of all Morgan's investigations; on the other hand, it constituted a ready point of departure for the derivation of the matriarchal gens; and, finally, it represented a far higher stage of development than the Australian classes. It is, therefore, natural that Morgan should conceive the punaluan family as a stage of development necessarily preceding the pairing family, and assume that it was generally prevalent in earlier times. Since then we have learned of a series of other forms of group marriage and now know that Morgan went too far in this respect. Nevertheless, in his punaluan family, he had the good fortune to stumble on the highest, the classical, form of group marriage, the form from which the transition to a higher stage is most easily explained.

We are indebted to the English missionary Lorimer Fison for the

most essential contribution to our knowledge of group marriage, for he studied this form of the family for years, in its classical home, Australia. He found the lowest stage of development among the Australian aborigines of Mount Gambier in South Australia. The whole tribe is here sub-divided into two great classes—Kroki and Kumite. Sexual intercourse between members within each of these classes is strictly proscribed; on the other hand, every man of one class is the born husband of every woman of the other class, and vice versa. Not individuals, but entire groups are married to one another; class marries class. And be it noted, no reservations are made here concerning difference of age, or special blood relationship, other than those determined by the division into two exogamous classes. A Kroki legitimately has every Kumite woman for his wife; since however, his own daughter by a Kumite woman is, according to mother-right, a Kumite, she is thereby the born wife of every Kroki, including her father. At all events, the class organization, as we know it, imposes no restriction. Hence, this organization either arose at a time when, despite all dim impulses to limit inbreeding, sexual intercourse between parents and children was not yet regarded with any particular horror, in which case the class system must have arisen directly out of a condition of promiscuous sexual intercourse; or intercourse between parents and children *had already been* proscribed by custom when the classes arose, in which case the present position points back to the consanguine family, and is the first advance beyond it. The latter assumption is the more probable. Cases of marital connections between parents and children have not, as far as I am aware, been reported from Australia; and the later form of exogamy, the matriarchal gens also, as a rule, tacitly presupposes the prohibition of such connections as something already existing at its establishment.

Apart from Mount Gambier, in South Australia, the *two*-class system is likewise to be found along the River Darling, farther east, and in Queensland, in the north-east, thus being very widespread. This system excludes only marriage between brothers and sisters, between the children of brothers and between the children of sisters on the mother's side, because these belong to the same class; on the other hand, the children of brother and sister are permitted to marry. A further step towards preventing inbreeding is to be found among the Kamilaroi, along the Darling River, in New South Wales, where the two original classes are divided into four, and each one of these four classes is likewise married bodily to another definite class. The first two classes are the born husbands and wives of each other; the children become members of the third or the fourth class according to whether the mother belongs to the first or the second class; and the children of the third and fourth classes, which are

likewise married to each other, belong again to the first and second classes. So that one generation always belongs to the first and second classes, the next belongs to the third and fourth, and the next again to the first and second. According to this system, the children of brothers and sisters (on the mother's side) may not become man and wife—their grandchildren, however, are permitted to do so. This strangely complicated system is made even more intricate by the grafting on of matriarchal gentes, at any rate, later; but we cannot go into this here. We see, then, how the impulse towards the prevention of inbreeding asserts itself time and again, but in a groping, elemental way, without a clear consciousness of the goal.

Group marriage, which in the case of Australia is still class marriage, the state of marriage of a whole class of men, often scattered over the whole breadth of the continent, with a similarly widely distributed class of women—this group marriage, when observed more closely, is not quite so horrible as is imagined by the philistine fancy accustomed to the brothel. On the contrary, long years passed before its existence was even suspected, and indeed, it has been again disputed, only quite recently. To the superficial observer it appears to be a kind of loose monogamy and, in places, polygamy, accompanied by occasional infidelity. One must spend years, as Fison and Howitt did, on the task of discovering the law that regulates these conditions of marriage—which in practice rather remind the average European of his own marriage customs—the law according to which an Australian aborigine, even when a stranger thousands of miles away from his home, among people whose very language he does not understand, nevertheless, quite often, in roaming from camp to camp, from tribe to tribe, finds women who are his without resistance and in perfect good faith; the law according to which the host who has several wives offers one of them to his guest for the night. Where the European can see only immorality and lawlessness, strict law actually reigns. The women belong to the stranger's marriage class, and are therefore his born wives; the same customary law which assigns one to the other, prohibits, on pain of banishment, all intercourse outside the marriage classes that belong to each other. Even where women are abducted, which is frequently the case, and in some areas the rule, the class law is scrupulously observed.

The abduction of women already reveals even here a trace of the transition to individual marriage—at least in the form of the "pairing marriage." After the young man has abducted, or eloped with the girl with the assistance of his friends, all of them have sexual intercourse with her one after the other, after which, however, she is regarded as the wife of the young man who initiated the abduction. And, conversely,

should the abducted woman run away from the man and be captured by another, she becomes the latter's wife, and the first man loses his privilege. Thus, exclusive relations, pairing for longer or shorter periods, and also polygamy, establish themselves alongside of and within the system of group marriage, which, in general, continues to exist; so that here also group marriage is gradually dying out, the only question being which will first disappear from the scene as a result of European influence—group marriage, or the Australian aborigines who indulge in it.

In any case, marriage in whole classes such as prevails in Australia, is a very low and primitive form of group marriage; whereas the punaluan family is, as far as we know, its highest stage of development. The former would seem to be the stage corresponding to the social level of nomadic savages; while the latter presupposes relatively stable settlements of communistic communities and leads directly to the next and higher stage of development. Some intermediate stages will assuredly be found between these two; here an only just opened and barely trodden field of investigation lies before us.

3. *The Pairing Family.* A certain pairing for longer or shorter periods took place already under group marriage, or even earlier. Among his numerous wives, the man had a principal wife (one can scarcely yet call her his "favourite wife") and he was her principal husband, among others. This situation, in no small degree, contributed to the confusion among the missionaries, who saw in group marriage, now promiscuous community of wives, now wanton adultery. Such habitual pairing, however, necessarily became more and more established as the gens developed and as the numbers of classes of "brothers" and "sisters" between which marriage was now impossible, increased. The impulse to prevent marriage between blood relations which arose in the gens drove things still further. Thus we find that among the Iroquois and most other Indian tribes in the lower stage of barbarism, marriage is prohibited between *all* relations recognized by their system, and these are of several hundred kinds. This growing complexity of marriage prohibitions rendered group marriages more and more impossible; they were supplanted by *the pairing family.* At this stage one man cohabits with one woman, with the reservation, however, that polygamy and occasional adultery remain men's privileges, even though the former is seldom practised for economic reasons; at the same time, the strictest fidelity is demanded of the woman during the period of co-habitation, adultery on her part being cruelly punished. The marriage tie can, however, be easily dissolved on either side, and the children belong solely to the mother, as previously.

In this ever widening exclusion of blood relatives from marriage, natural selection also continues to have its effect. In Morgan's words,

marriage between non-consanguineous gentes "created a more vigorous stock physically and mentally.... When two advancing tribes ... are brought together and blended into one people ... the new skull and brain would widen and lengthen to the sum of the capabilities of both."* Tribes constituted according to gentes must, therefore, gain the upper hand over the more backward ones, or carry them along by force of their example.

Thus, the evolution of the family in pre-historic times consists in the continual contraction of the circle—originally embracing the whole tribe—within which community marriage between the sexes prevailed. By the successive exclusion, first of closer, then of ever remoter relatives, and finally even of those merely related by marriage, every kind of group marriage is ultimately rendered practically impossible; and finally, there remains only the unit, the for the moment still loosely united couple, the molecule, with the dissolution of which marriage itself completely ceases. This fact alone shows how little individual sex love, in the modern sense of the word, had to do with the rise of monogamy. The practice of all peoples in this stage affords still further proof of this. Whereas under previous forms of the family men were never in want of women but, on the contrary, had a surfeit of them, women now became scarce and were sought after. Consequently, with pairing marriage begins the abduction and purchase of women—widespread *symptoms*, but nothing more, of a much more deeply-rooted change that had set in. These symptoms, mere methods of obtaining women, McLennan, the pedantic Scot, nevertheless metamorphosed into special classes of families which he called "marriage by abduction" and "marriage by purchase." Among the American Indians, and also among other tribes (in the same stage), the arrangement of a marriage is by no means the affair of the two chief participants, who, indeed, are often not even consulted, but of their respective mothers. Two complete strangers are thus often betrothed and only learn of the conclusion of the deal when the marriage day approaches. Prior to the marriage, presents are made by the bridegroom to the gentile relatives of the bride (that is, to her relatives on her mother's side, not to the father or his relatives), these presents serving as purchase gifts for the ceded girl. The marriage may be dissolved at the pleasure of either of the two parties. Nevertheless, among many tribes, e. g., the Iroquois, public sentiment gradually developed against such separations; when conflicts arise, the gentile relatives of both parties intervene and attempt a reconciliation, and separation takes place only after such efforts prove fruitless, the children remaining with the mother, and each party being free to marry again.

* Morgan, *Ancient Society*, p. 468.—*Ed. Eng. ed.*

The pairing family, itself too weak and unstable to make an independent household necessary, or even desirable, did not by any means dissolve the communistic household transmitted from earlier times. But the communistic household implies the supremacy of women in the house, just as the exclusive recognition of a natural mother, because of the impossibility of determining the natural father with certainty, signifies high esteem for the women, that is for the mothers. That woman was the slave of man at the commencement of society is one of the most absurd notions that have come down from eighteenth century enlightenment. Woman occupies not only a free but also a highly respected position among all savages and all barbarians of the lower and middle stages and sometimes even of the upper stage. Let Arthur Wright, missionary for many years among the Seneca Iroquois, testify what her place was in the pairing family: "As to their family system, when occupying the old long-houses [communistic households embracing several families] it is probable that some one clan [gens] predominated, the women taking in husbands from other clans [gentes].... Usually the female portion ruled the house.... The stores were in common; but woe to the luckless husband or lover who was too shiftless to do his share of the providing. No matter how many children or whatever goods he might have in the house, he might at any time be ordered to pack up his blanket and budge; and after such orders it would not be healthful for him to attempt to disobey. The house would be too hot for him ... and he must retreat to his own clan [gens]; or, as was often done, go and start a new matrimonial alliance in some other. The women were the great power among the clans [gentes], as everywhere else. They did not hesitate, when occasion required, to knock off the horns, as it was technically called, from the head of a chief and send him back to the ranks of the warriors." The communistic household, in which most of the women or even all the women belong to one and the same gens, while the men come from various other gentes, is the material foundation of that supremacy of women which was generally prevalent in the early times; and Bachofen's discovery of this constitutes the third great service he has rendered. I may add that the reports of travellers and missionaries about women among savages and barbarians being burdened with excessive toil in no way conflict with what has been said above. The division of labour between the two sexes is determined by causes entirely different from those that determine the status of women in society. Peoples, whose women have to work much harder than we would consider proper, often have far more real respect for women than our Europeans have for theirs. The social status of the lady of civilization, seemingly surrounded by homage and estranged from all real work, is infinitely lower than that of the hard-

working woman of barbarism, whose position among her people was that of a real lady (lady, frowa, Frau=mistress) and who was also such in character.

Whether or not the pairing family has totally supplanted group marriage in America today must be decided by closer investigation among the North-Western and particularly among the South American peoples who are still in the higher stage of savagery. So very many instances of sexual freedom are reported with regard to these latter, that the complete supercession of the old group marriage can scarcely be assumed. At any rate, not all traces of it have yet disappeared. Among at least forty North American tribes, the man who marries the eldest sister in a family is entitled to all her sisters as wives as soon as they reach the requisite age—a survival of the common right of the men to a whole group of sisters. And Bancroft relates that the tribes of the Californian peninsula (in the upper stage of savagery) have certain festivities, during which several "tribes" congregate for the purpose of indiscriminate sexual intercourse. These are manifestly gentes for whom these festivities represent dim memories of the times when the women of one gens had all the men of another for their common husbands and vice versa. The same custom still prevails in Australia. Among certain tribes it sometimes happens that the older men, the chiefs and sorcerer-priests, exploit the community of wives for their own ends and monopolize most of the women for themselves; but they, in their turn, have to allow the old common possession to be restored during certain feasts and great tribal gatherings and permit their wives to enjoy themselves with the young men. Westermarck (pp. 28 and 29) adduces a whole series of examples of such periodical Saturnalian feasts during which the old free sexual intercourse comes into force again for a short period, as, e. g., among the Hos, the Santals, the Punjas and Kotars of India, among some African tribes, etc. Curiously enough, Westermarck concludes from this that they are relics, not of group marriage, which he totally rejects, but of the mating season common alike to primitive man and to other animals.

We now come to Bachofen's fourth great discovery, that of the widespread transitional form from group marriage to pairing. What Bachofen construes as a penance for infringing the ancient commandments of the gods, the penance with which the woman buys her right to chastity, is in fact nothing more than a mystical expression of the sacrifice by means of which the woman purchases her redemption from the ancient community of husbands and acquires the right to give herself to *one* man only. This sacrifice takes the form of limited surrender. The Babylonian women had to surrender themselves once a year in the temple of Mylitta. Other Near Eastern peoples sent their young women for years

to the Temple of Anaitis, where they had to practice free love with favourites of their own choice before they were allowed to marry. Similar customs bearing a religious guise are common to nearly all Asiatic peoples between the Mediterranean and the Ganges. The redemption sacrifice becomes gradually lighter in course of time, as Bachofen notes: "The annually repeated sacrifice yields place to the single performance; the hetaerism of the matrons is succeeded by that of the maidens, its practice during marriage by practice before marriage, the indiscriminate surrender to all by surrender to certain chosen persons" (*Mutterrecht*, p. xix). Among other peoples, the religious guise is absent; among some—the Thracians, Celts, etc., of antiquity, and many aboriginal inhabitants of India, the Malayan peoples, South Sea Islanders and many American Indians even to this day—the girls enjoy the greatest sexual freedom until their marriage. Particularly is this the case throughout almost the whole of South America, as anybody who has penetrated a little into the interior can testify. Thus, Agassiz (*A Journey in Brazil*, Boston and New York, 1886, p. 266) relates the following about a rich family of Indian descent: when he was introduced to the daughter and enquired after her father, who, he supposed, was the mother's husband, an officer on active service in the war against Paraguay, the mother answered smilingly: "Naõ tem pai, he filha da fortuna"—she has no father, she is the daughter of chance. "It is the way the Indian or half-breed women have always spoken of their illegitimate children, unconscious of any wrong doing or shame. So far is this from being an unusual case that ... the opposite seems the exception. The children ... often know only their mother, for all the care and responsibility fall upon her; but they have no knowledge of their father, nor does it ever seem to occur to the woman that she or her children have any claim upon him." What here appears to be so strange to the civilized man is simply the rule according to mother-right and group marriage.

Among other peoples, again, the bridegroom's friends and relations, or the wedding guests, exercise their old traditional right to the bride at the wedding itself, and the bridegroom has his turn last of all; for instance, on the Balearic Islands and among the African Augilers of antiquity, and among the Bareas of Abyssinia even now. In the case of still other peoples, an official person—the chief of the tribe or of the gens, the Kazique, shaman, priest, prince or whatever his title—represents the community and exercises the right of first night with the bride. Despite all neo-romantic white-washing, this "jus primae noctis"* persists to this day as a relic of group marriage among most of the natives of the

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* Right of first night.—*Ed. Eng. ed.*

Alaska territory (Bancroft, *Native Races*, I, p. 81), among the Tahus in North Mexico (ibid., p. 584) and among other peoples; and it existed at least in the originally Celtic countries throughout the Middle Ages, where it was directly transmitted from group marriage, e. g., in Aragon. While the peasant in Castille was never a serf, in Aragon the most ignominious serfdom prevailed until abolished by the decree issued by Ferdinand the Catholic in 1486. This document states: "We pass judgment and declare that the aforementioned lords (señors—barons) . . . also shall not sleep the first night with the woman taken in wedlock by a peasant, nor on the wedding night after she has gone to bed, stride over the bed or over the woman as a sign of their authority; nor shall the aforementioned lords avail themselves of the services of the sons or daughters of the peasant, with or without payment, against their will" (quoted in the Catalonian original by Sugenheim—*Serfdom*, Petersburg, 1861, p. 35).

Bachofen is again absolutely right when he contends throughout that the transition from what he terms "hetaerism" or "Sumpfzeugung" to monogamy was brought about essentially by the women. The more the old traditional sexual relations lost their naive, primitive, jungle character, as a result of the development of the economic conditions of life, i. e., with the undermining of the old communistic social order, and the growing density of the population, the more degrading and oppressive must they have appeared to the women; the more urgently must they have longed for the right to chastity, to temporary or permanent marriage with one man only, as a release. This advance could not have originated from the men, if only for the reason that they have never—not even to the present day—dreamed of renouncing the pleasures of actual group marriage. Only after the transition to pairing marriage had been effected by the women could the men introduce strict monogamy—for the women only, of course.

The pairing family arose on the border-line between savagery and barbarism, mainly in the upper stage of savagery, and only here and there in the lower stage of barbarism. It is the form of the family characteristic of barbarism, in the same way as group marriage is characteristic of savagery and monogamy of civilization. For its further development to stable monogamy, factors different from those we have hitherto found operating were required. As a consequence of pairing, the group was already reduced to its last unit, its two-atom molecule—to one man and one woman. Natural selection had completed its work by constantly reducing the circle of community marriage; there was nothing more left for it to do in this direction. If no new *social* driving forces had come into operation, there would have been no reason why a new form of the

family should arise out of the pairing family. But these driving forces did commence to operate.

We now leave America, the classical soil of the pairing family. There is no evidence to enable us to conclude that a higher form of the family developed there, or that strict monogamy existed in any part of it at any time before its discovery and conquest. It was otherwise in the Old World.

Here the taming of domestic animals and the breeding of herds had developed a hitherto unsuspected source of wealth and created entirely new social relationships. Until the lower stage of barbarism, fixed wealth consisted almost entirely of the house, clothing, crude ornaments and the implements for procuring and preparing food, viz., boats, weapons and household utensils of the simplest kind. Food had to be won anew day by day. Now, with herds of horses, camels, donkeys, oxen, sheep, goats and pigs, the advancing pastoral peoples—the Aryans in the Indian land of the five rivers and the Ganges area, as well as in the then much more richly watered steppes of the Oxus and the Jaxartes, and the Semites on the Euphrates and the Tigris—acquired possessions demanding merely supervision and most superficial care in order to propagate in ever-increasing numbers and to yield the richest nutriment in milk and meat. All previous means of procuring food now sank into the background. Hunting, once a necessity, now becomes a luxury.

But to whom did this new wealth belong? Originally, undoubtedly to the gens. But private property in herds must have already developed at a very early stage. It is hard to say whether Father Abraham appeared to the author of the so-called First Book of Moses as the owner of his flocks by virtue of his own right as head of a family community, or by virtue of his status as actual hereditary chief of a gens. One thing, however, is certain, and that is that we must not regard him as a property-owner in the modern sense of the term. Equally certain is it that on the threshold of authenticated history we find that the herds are everywhere the separate property of the family chiefs, in exactly the same way as were the artistic products of barbarism: metal utensils, articles of luxury and, finally, human cattle—the slaves.

For now slavery also was invented. The slave was useless to the barbarian of the lower stage. It was for this reason that the American Indians, too, treated their vanquished foes quite differently from the way they treated them in the upper stage. The men were either killed or adopted as brothers in the tribe of the victors. The women were either taken in marriage or likewise adopted along with their surviving children. Human labour-power at this stage yielded no noticeable surplus over the cost of its maintenance. With the introduction of cattle-breeding, of the working up of metals, of weaving and, finally, of agriculture, this changed. Just

as the once so easily obtainable wives had now acquired an exchange value and were bought, so it happened with labour-power, especially after the herds had finally been converted into family possessions. The family did not increase as rapidly as the cattle. More people were required to tend them; the captives taken in war were just useful for this purpose, and, furthermore, they could breed like cattle.

Such riches, once they had passed into the private possession of families and there rapidly multiplied, struck a powerful blow at the society founded on pairing marriage and the matriarchal gens. Pairing marriage had introduced a new element into the family. By the side of the natural mother it placed the authentic natural father—who was probably better authenticated than many a "father" of the present day. According to the division of labour then prevailing in the family, the procuring of food and the implements necessary thereto, and therefore, also, the ownership of the latter, fell to the man; he took them with him in case of separation, just as the woman retained the household goods. Thus, according to the custom of society at that time, the man was also the owner of the new sources of subsistence—the cattle—and later, of the new source of labour power—the slaves. According to the custom of the same society, however, his children could not inherit from him, for the position in this respect was as follows:

According to mother-right, that is, as long as descent was reckoned solely through the female line, and according to the original custom of inheritance in the gens, it was the gentile relations that at first inherited from their deceased gentile comrade. The property had to remain within the gens. At first, in view of the insignificance of the property in question, it may, in practice, have passed to the nearest gentile relatives—that is, to the blood relatives on the mother's side. The children of the deceased man, however, belonged not to his gens, but to that of their mother. In the beginning, they inherited from their mother, along with the rest of their mother's blood relations, and later, perhaps, had first claim upon her property; but they could not inherit from their father, because they did not belong to his gens, and his property had to remain in the latter. On the death of the herd owner, therefore, his herds passed, first of all, to his brothers and sisters and to his sisters' children, or to the descendants of his mother's sisters. His own children, however, were disinherited.

Thus, as wealth increased, it, on the one hand, gave the man a more important status in the family than the woman, and, on the other hand, created a stimulus to utilize this strengthened position in order to overthrow the established order of inheritance in favour of his children. But this was impossible as long as descent according to mother-right prevailed.

This had, therefore, to be overthrown, and it was overthrown; and it was not so difficult to do this as it appears to us now. For this revolution—one of the most decisive ever experienced by mankind—need not have disturbed any single living member of a gens. All the members could remain what they were previously. The simple decision sufficed, that in future the descendants of the male members should remain in the gens, but that those of the females were to be excluded from the gens and transferred to that of their father. The reckoning of descent through the female line and the right of inheritance through the mother were hereby overthrown and male lineage and right of inheritance from the father instituted. As to how and when this revolution was effected among the civilized peoples, we know nothing. It falls entirely within prehistoric times. That it was actually effected is more than proved by the abundant traces of mother-right, collected especially by Bachofen. How easily it was accomplished can be seen from a number of Indian tribes, among whom it has only recently taken place and is still proceeding, partly under the influence of increasing wealth and changed methods of life (transplantation from the forests to the prairies), and partly under the moral influence of civilization and the missionaries. Of eight Missouri tribes, six have male and two still retain the female lineage and inheritance in the female line. Among the Shawnees, Miamis and Delawares it has become the custom to transfer the children to the father's gens by giving them one of the gentile names obtaining therein, in order that they may inherit from him. "Innate human casuistry to seek to change things by changing their names! And to find loopholes for breaking through tradition within tradition itself, wherever a direct interest provided a sufficient motive" (*Marx*). As a consequence, hopeless confusion arose; and matters could be straightened out, and partly were straightened out, by the transition to father-right. "This appears altogether to be the most natural transition" (*Marx*). As for what the comparative lawyers have to tell us regarding the ways and means by which this transition was effected among the civilized peoples of the old world—mere hypotheses, of course—see M. Kovalevsky, *Tableau des origines et de l'évolution de la famille et de la propriété*, Stockholm, 1890.*

The overthrow of mother-right was the *world historical defeat of the female sex*. The man seized the reins in the house also, the woman was degraded, enslaved, the slave of the man's lust, a mere instrument for breeding children. This degrading position of women, especially marked among the Greeks of the Heroic and still more of the Classical Age, had

* *Outline of the Origin and Evolution of the Family and of Property.—Ed. Eng. ed.*

become gradually embellished and dissembled and, in part, clothed in a milder form, but by no means abolished.

The first effect of the now established supremacy of the men is shown in the intermediate form of the family which now emerges, the patriarchal family. Its chief attribute is not polygamy—of which more anon—but the "organization of a number of persons, bond and free, into a family under paternal power,"* the head of the family. In the Semitic form, this family chief lives in polygamy, the bondsmen have wife and children, and the purpose of the whole organization is the care of flocks and herds over a limited area. The essential features are the incorporation of servile relations and the paternal power; the Roman family, accordingly, constitutes the perfected type of this form of the family. The word "familia" did not originally signify the ideal of our modern philistine, which is a compound of sentimentality and domestic discord. Among the Romans, in the beginning, it did not even refer to the married couple and their children, but to the slaves alone. "Famulus" means a household slave and "familia" signifies the totality of slaves belonging to one individual. Even in the time of Gaius the "familia," id est patrimonium (i. e., inheritance) was bequeathed by will. The expression was invented by the Romans to describe a new social organism, the head of which had under him wife and children and a number of slaves, under Roman paternal power, with the power of life or death over them all. "The term, therefore, is no older than the iron-clad family system of the Latin tribes, which came in after field agriculture and after legalized servitude, as well as after the separation of the Greeks and Latins."** To which Marx adds: "The modern family contains in embryo not only slavery (servitus) but serfdom also, since from the very beginning it is connected with agricultural service. It contains within itself *in miniature* all the contradictions which later develop on a wide scale within society and its state."

Such a form of the family shows the transition of the pairing family to monogamy. In order to guarantee the fidelity of the wife, that is, the paternity of the children, the woman is placed absolutely in the man's power; if he kills her, he is but exercising his right.

With the patriarchal family we enter the field of written history and, therewith, a field in which the science of comparative law can render us important assistance. And in fact it has here provided us with an important advance. We are indebted to Maxim Kovalevsky (*Tableau, etc., de la famille et de la propriété*, Stockholm, 1890, pp. 60-100) for the proof that the patriarchal house community, such as we still find to-day among the Serbs and the Bulgarians under the designations of Zádruga (meaning

* Morgan, *Ancient Society*, p. 474.—*Ed. Eng. ed.*

** Ibid., p. 478.—*Ed. Eng. ed.*

something like bond of friendship) or Bratstvo (brotherhood) and among the Oriental peoples in a modified form, constituted the transition stage between the matriarchal family which evolved out of group marriage and the individual family known to the modern world. This appears to be proved at least as far as the civilized peoples of the old world, the Aryans and Semites, are concerned.

The South Slavonic Zádruga provides the best existing example of such a family community. It embraces several generations of the descendants of one father and their wives, who all live together in one house, till their fields in common, feed and clothe themselves from the common store and communally own all surplus products. The community is under the supreme management of the master of the house (domachin), who represents it in external affairs, may dispose of smaller objects, and manages the finances, being responsible for the latter as well as for the regular conduct of business. He is elected and does not by any means need to be the eldest. The women and their work are under the direction of the mistress of the house (domachitsa), who is usually the domachin's wife. In the choice of husbands for the young women she has an important, often the decisive voice. Supreme power, however, is vested in the Family Council, the assembly of all adult members, both women and men. To this assembly, the master of the house renders an account of his trusteeship; it makes all the important decisions, exercises jurisdiction over the members, decides on purchases and sales of any importance, specially of landed property, etc.

It was only about ten years ago* that the existence of such family communities in Russia also was proved; they are now generally recognized as being just as firmly rooted in the popular customs of the Russians as the obshchina, or village community. They figure in the most ancient Russian code—the Pravda of Yaroslav—under the same name (vervj) as in the Dalmatian Laws, and references to them may be found also in Polish and Czech historical sources.

According to Heussler (*Institutionen des deutschen Rechts*),** the economic unit among the Germans also was not originally the individual family in the modern sense, but the "house community" consisting of several generations or individual families, and often enough including bondsmen. The Roman family, too, has been traced back to this type, and in consequence the absolute power of the head of the house, as also the lack of rights of the remaining members of the family in relation to him, has recently been strongly contested. Similar family communities are likewise supposed to have existed among the Celts in Ireland; in France

* I. e., in the eighties of the last century.—*Ed. Eng. ed.*

** *Institutions of German Law.*—*Ed. Eng. ed.*

they continued to exist in Nivernais under the name of parçonneries right up to the French Revolution, while in Franche Comté they are not quite extinct even today.* In the district of Louhans (Saône et Loire) may be seen large peasant houses with a lofty communal central hall reaching up to the roof, surrounded by sleeping-rooms, to which access is had by short staircases of from six to eight steps, and in which dwell several generations of the same family.

In India, the household community with common tillage of the soil was mentioned even by Nearchos in the time of Alexander the Great, and exists to this day in the same area, in the Panjab and the entire North-Western part of the country. Kovalevsky himself was able to testify to its existence in the Caucasus. It still exists in Algeria among the Kabyles. It is said to have existed even in America; attempts are being made to identify it with the calpulli in ancient Mexico, described by Zurita; Cunow, on the other hand, has proved fairly clearly (in the journal *Ausland*, 1890, Nos. 42-44) that a kind of mark constitution existed in Peru (where, peculiarly enough, the mark was called marca) up to the time of the Conquest, with periodical allotment of the cultivated land, that is, individual tillage.

At any rate, the patriarchal household community with common land ownership and common tillage now assumes quite another significance than hitherto. We can no longer doubt the important role which it played among the civilized and many other peoples of the ancient world as a transition form between the matriarchal and the monogamous family. We shall return later on to the further conclusion drawn by Kovalevsky, namely, that it was likewise the transition stage out of which developed the village, or mark, community with individual cultivation and at first periodical, then permanent allotment of arable and pasture lands.

As regards family life within these household communities, it should be noted that in Russia, at least, the head of the house is alleged to have abused his position considerably as far as the younger women, particularly his daughters-in-law, were concerned, and to have very often converted them into a harem; these conditions are rather eloquently reflected in the Russian folk songs.

A few words more about polygamy and polyandry before we deal with monogamy, which developed rapidly, following the overthrow of mother-right. Both these marriage forms can only be exceptions, historical luxury products, so to speak, unless they appeared side by side in one and the same country, which, as is well known, is not the case. As, however, the men, excluded from polygamy, could not console themselves

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* Engels last revised the text in 1891.—*Ed. Eng. ed.*

with the women left over from polyandry, the numerical strength of men and women (without regard to social institutions) having been fairly equal hitherto, it is evident that neither one nor the other form could rise to general prevalence. Actually, polygamy on the part of one man was clearly a product of slavery and limited to a few exceptional cases. In the Semitic patriarchal family, only the patriarch himself and, at most, a couple of his sons lived in polygamy; the others had to be content with one wife each. It remains the same today throughout the entire Orient. Polygamy is a privilege of the rich and the grandees, and is recruited chiefly by the purchase of female slaves; the mass of the people live in monogamy. Just such an exception is provided by polyandry in India and Tibet, the certainly no less interesting origin of which from group marriage requires closer investigation. In its practice, at any rate, it appears to be much more accommodating than the jealous harem establishments of the Mohammedans. At least, among the Nairs in India, the men, in groups of three, four or more, have, to be sure, one wife in common; but each of them can simultaneously have a second wife in common with three or more other men, and, in the same way, a third, a fourth and so on. It is a wonder that McLennan did not discover a new class—that of *club marriage*—in these marriage clubs, in which membership of several at a time was open to the men, and which he himself described. This marriage club business, however, is by no means real polyandry; on the contrary, as has been noted by Giraud-Teulon, it was a specialized form of group marriage, the men living in polygamy, the women in polyandry.

4. *The Monogamous Family.* As already indicated, this arises out of the pairing family in the transition period between the middle and upper stages of barbarism, its final victory being one of the signs of the beginning of civilization. It is based on the supremacy of the man; its express aim is the begetting of children of undisputed paternity, this paternity being required in order that these children may in due time inherit their father's wealth as his natural heirs. The monogamous family differs from pairing marriage in the far greater rigidity of the marriage tie, which can now no longer be dissolved at the pleasure of either party. Now, as a rule, only the man can dissolve it and cast off his wife. The right of conjugal infidelity remains his even now, sanctioned, at least, by custom (the Code Napoleon expressly concedes this right to the husband as long as he does not bring his concubine into the conjugal home), and exercised more and more with the growing development of society. Should the wife recall the ancient sexual practice and desire to revive it, she is punished more severely than ever before.

We are confronted with this new form of the family in all its severity

among the Greeks. While, as Marx observes, the position of the goddesses in mythology represents an earlier period, when women still occupied a freer and more respected place, in the Heroic Age we already find women degraded owing to the domination of the man and the competition of female slaves. One may read in the *Odyssey* how Telemachus reproves his mother and enjoins silence upon her. In Homer the young female captives become the objects of the sensual lust of the victors; the military chiefs, one after the other, according to rank, choose the most beautiful ones for themselves. The whole of the *Iliad*, as is well known, revolves around the quarrel between Achilles and Agamemnon over such a female slave. In connection with each Homeric hero of importance mention is made of a captive maiden, with whom he shares tent and bed. These maidens are also taken back to the country and the conjugal homes of the victors, as was Cassandra by Agamemnon in Aeschylus. Sons born of these slaves receive a small share of their father's estate and are regarded as free men. Teukros was such an illegitimate son of Telamon and was permitted to adopt his father's name. The married woman is expected to tolerate all this, but to maintain strict chastity and conjugal fidelity herself. True, in the Heroic Age the Greek wife is more respected than in the period of civilization; for the husband, however, she is, in reality, merely the mother of his legitimate heirs, his chief housekeeper, and the superintendent of the female slaves, whom he may make, and does make, his concubines at will. It is the existence of slavery side by side with monogamy, the existence of beautiful young slaves who belong body and soul to the *man*, that from the very commencement stamped on monogamy its specific character as monogamy *for the woman only*, but not for the man. And it retains this character to this day.

As regards the Greeks of later times, we must differentiate between the Dorians and the Ionians. The former, of whom Sparta was the classical example, had in many respects more ancient marriage relationships than even Homer indicates. In Sparta we find a form of pairing marriage—modified by the state in accordance with the conceptions there prevailing—which still retains several vestiges of group marriage. Childless marriages were dissolved; King Anaxandridas (about 650 B. C.) took another wife in addition to his first childless one and maintained two households; King Ariston of the same period added a third to two previous wives, who were barren, one of whom he, however, dismissed. On the other hand, several brothers could have a wife in common. A person having a preference for his friend's wife could share her with him; and it was regarded as proper to place the wife at the disposal of a lusty "stallion," as Bismarck would say, even when this person was not a citizen. A passage in Plutarch, where a Spartan woman sends the lover who is

pursuing her with his attentions to interview her husband, would indicate, according to Schömann, a still greater sexual freedom. Real adultery, the infidelity of the wife behind the back of her husband, was thus unheard of. On the other hand, domestic slavery was unknown in Sparta, at least in its heyday; the helot serfs lived segregated on the estates and thus there was less temptation for the Spartans to have intercourse with their women. That in all these circumstances, the women of Sparta enjoyed a very much more respected position than all other Greek women, was quite natural. The Spartan women and the élite of the Athenian hetaerae are the only Greek women of whom the Ancients speak with respect, and whose remarks they consider as being worthy of record.

Among the Ionians—of whom Athens is characteristic—things were quite different. Young women learned spinning, weaving and sewing, at best, a little reading and writing. They were practically kept in seclusion and consorted only with other women. The women's quarter was a separate and distinct part of the house, on the upper floor, or in the rear building, not easily accessible to men, particularly strangers; to this the women retired when men visitors came. The women did not go out unless accompanied by a female slave; at home they were jealously guarded; Aristophanes speaks of Molossian hounds kept to frighten off adulterers; while in the Asiatic towns, at least, eunuchs were maintained to keep guard over the women; they were manufactured for the trade in Chios as early as Herodotus' day, and according to Wachsmuth, not merely for the barbarians. In Euripides, the wife is described as oikurema, a thing for housekeeping (the word is in the neuter gender), and apart from the business of bearing children, she was nothing more to the Athenian than the chief housemaid. The husband had his gymnastic exercises, his public affairs, from which the wife was excluded; in addition, he often had female slaves at his disposal and, in the heyday of Athens, extensive prostitution, which was, at least, countenanced by the state. It was precisely on the basis of this prostitution that the few outstanding Greek women developed, who by their esprit and artistic taste towered as much above the general level of ancient womanhood as the Spartan women did by virtue of their character. That one had first to become a hetaera in order to become a woman is the strongest indictment of the Athenian family.

In the course of time, this Athenian family became the model upon which not only the rest of the Ionians, but also all the Greeks of the mainland and of the colonies increasingly moulded their domestic relationships. But despite all seclusion and control the Greek women found opportunities often enough for deceiving their husbands. The latter, who would have been ashamed to disclose any love for their own wives, amused themselves with hetaerae in all kinds of amours. But the degradation of

the women recoiled on the men themselves and degraded them too, until they sank into the perversion of boy-love, degrading both themselves and their gods by the myth of Ganymede.

This was the origin of monogamy, as far as we can trace it among the most civilized and highly developed people of antiquity. It was not in any way the fruit of individual sexual love, with which it had absolutely nothing in common, for the marriages remained marriages of convenience, as previously. It was the first form of the family based, not on natural, but on economic conditions, namely, on the victory of private property over primitive, natural, common ownership. The rule of the man in the family, the breeding of children who could only be his, destined to be the heirs of his wealth, these alone were frankly avowed by the Greeks as the exclusive aims of individual marriage. For the rest, it was a burden, a duty to the gods, to the state and to their ancestors, which just had to be fulfilled. In Athens the law made not only marriage compulsory, but also the fulfilment by the man of a minimum of the so-called conjugal duties.

Thus, monogamy does not by any means make its appearance in history as the reconciliation of man and woman, still less as the highest form of such a reconciliation. On the contrary, it appears as the subjection of one sex by the other, as the proclamation of a conflict between the sexes, entirely unknown in prehistoric times. In an old unpublished manuscript written by Marx and myself in 1846, I find the following:—"The first division of labour is that between man and woman for child-breeding."* And today I can add: the first class antagonism which appears in history coincides with the development of the antagonism between man and woman in individual marriage, and the first class oppression with that of the female sex by the male. Individual marriage was a great historical advance, but at the same time it inaugurated, along with slavery and private wealth, that epoch, lasting until today, in which every advance is likewise a relative regression, in which the well-being and development of some are attained by the misery and repression of others. It is the cell of civilized society, in which we can already study the nature of the antagonisms and contradictions which develop fully in the latter.

The old relative freedom of sexual intercourse by no means disappeared with the victory of the pairing family, or even of individual marriage. "The old conjugal system, now reduced to narrower limits by the gradual disappearance of the punaluan groups, still environed the advancing family, which it was to follow to the verge of civilization. . . . It finally

* The reference here is to the *Deutsche Ideologie* (*German Ideology*) written by Marx and Engels in Brussels in 1845-46, but first published eighty-six years later by the Marx-Engels-Lenin Institute in Moscow.—*Ed. Eng. ed.*

disappeared in the new form of hetaerism which still follows mankind in civilization as a dark shadow upon the family."* By hetaerism Morgan means that extra-marital sexual intercourse between men and unmarried women which exists *alongside of monogamy*, and, as is well known, has flourished in the most diverse forms during the whole period of civilization and has steadily developed into open prostitution. This hetaerism is directly traceable to group marriage, to the sacrificial sexual surrender of the women, whereby they purchased their right to chastity. The surrender for money was at first a religious act, taking place in the temple of the Goddess of Love, and the money originally flowed into the coffers of the temple. The Hierodules of Anaitis in Armenia, of Aphrodite in Corinth, as well as the religious dancing girls attached to the temples in India—the so-called bayaderes (the word is a corruption of the Portuguese bailadeira or danseuse) were the first prostitutes. This sexual surrender, originally obligatory for all women, was later practised by these priestesses alone on behalf of all the other women. Hetaerism among other peoples grows out of the sexual freedom permitted to girls before marriage—likewise a survival of group marriage, only transmitted to us by another route. With the rise of property differentiation—that is, as far back as the upper stage of barbarism—wage-labour appears sporadically alongside of slave labour; and simultaneously, as its necessary corollary, the professional prostitution of free women appears side by side with the forced surrender of the female slave. Thus, the heritage bequeathed to civilization by group marriage is double-sided, just as everything engendered by civilization is double-sided, double-tongued, contradictory and inherently antagonistic: on the one hand, monogamy, on the other, hetaerism, including its most extreme form, prostitution. Hetaerism is as much a social institution as any other, and is a continuation of the old sexual freedom—in favour of the men. Although, in reality, it is not only tolerated, but even practised with gusto, particularly by the ruling classes, it is denounced in words. This denunciation, however, by no means applies to the men who indulge in it, it applies only to the women; they are ostracized and cast out in order to proclaim once again the absolute domination of the male over the female sex as the fundamental social law.

A second contradiction, however, is hereby developed within monogamy itself. By the side of the husband, whose life is made more agreeable by hetaerism, stands the neglected wife. And it is just as impossible to have one side of a contradiction without the other as it is to retain the whole of an apple in one's hand after half has been eaten. Nevertheless, the men appear to have thought differently, until their wives taught them

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* Morgan, *Ancient Society*, p. 511.—*Ed. Eng ed.*

to know better. Two permanent social figures, previously unknown, appear on the scene along with monogamy—the wife's paramour and the cuckold. The men had gained the victory over the women, but the act of crowning the victor was magnanimously undertaken by the vanquished. Adultery—proscribed, severely penalized, but irrepressible—became an unavoidable social institution alongside of monogamy and hetaerism. The assured paternity of children was now, as before, based, at best, on moral conviction; and in order to solve the insoluble contradiction, Article 312 of the Code Napoleon decreed: "*L'enfant conçu pendant le mariage a pour père le mari*," that is, that the child conceived during marriage has for its father the husband. This is the final outcome of three thousand years of monogamy.

Thus, in the monogamous family, in all those cases that faithfully reflect its historical origin and that clearly bring out the sharp conflict between man and woman resulting from the exclusive domination of the male, we have a picture in miniature of the very antagonisms and contradictions in which society, split up into classes since the commencement of civilization, moves, without being able to dissolve and overcome them. Naturally, I refer here only to those cases of monogamy, where matrimonial life really takes its course according to the rules governing the original character of the whole institution, but where the wife rebels against the domination of the husband. That this is not the case with all marriages no one knows better than the German philistine, who is no more capable of ruling in the home than in the state, and whose wife, therefore, with full justification, wears the trousers of which he is unworthy. But in consolation he imagines himself to be far superior to his French companion in misfortune, who, more often than he, fares far worse.

The monogamous family, however, did not by any means appear everywhere and always in the classically harsh form which it assumed among the Greeks. Among the Romans, who as future world conquerors took a longer, if less refined, view than the Greeks, woman was more free and respected. The Roman believed the conjugal fidelity of his wife to be adequately safeguarded by his power of life and death over her. Besides, the wife, just as well as the husband, could dissolve the marriage voluntarily. But the greatest advance in the development of monogamy definitely occurred with the entry of the Germans into history, because, probably owing to their poverty, monogamy does not yet appear to have completely evolved among them out of pairing marriage. This we conclude from three circumstances mentioned by Tacitus. Firstly, despite great reverence for marriage—"each man was contented with a single wife, and the women lived fenced around with chastity"—polygamy existed for men of rank and the tribal chiefs, a situation similar to that of the

Americans among whom pairing marriage prevailed. Secondly, the transition from mother-right to father-right could only have been accomplished a short time previously, for the mother's brother—the closest male gentile relative according to mother-right—was still regarded as being an almost closer relative than one's own father, which likewise corresponds to the standpoint of the American Indians, among whom Marx found the key to the understanding of our own pre-historic past, as he often used to say. And thirdly, women among the Germans were highly respected and were influential in public affairs also—which directly conflicts with the domination of the male, characteristic of monogamy. Nearly all these are points on which the Germans are in accord with the Spartans, among whom, likewise, as we have already seen, pairing marriage had not completely disappeared. Thus, in this connection also, an entirely new element acquired world supremacy with the emergence of the Germans. The new monogamy which now developed out of the mingling of races on the ruins of the Roman world, clothed the domination of men in milder forms and permitted women to occupy, at least to all external appearances, a far freer and more respected position than classical antiquity had ever known. This, for the first time, created the possibility for the greatest moral advance which we owe to monogamy—a development taking place within it, parallel with it, or in opposition to it, as the case might be, viz., modern individual sex-love, previously unknown to the whole world.

This advance, however, definitely arose out of the fact that the Germans still lived in the pairing family, and, as far as possible, grafted the position of woman corresponding thereto on to monogamy. It by no means arose as a result of the legendary, wonderful, moral purity of temperament of the Germans, which was limited to the fact that, in practice, the pairing family did not reveal the same glaring moral antagonisms as monogamy. On the contrary, the Germans, in their wanderings, particularly south-east, to the nomads of the steppes on the Black Sea, suffered considerable moral degeneration and, apart from their horsemanship, acquired serious unnatural vices from them. This is proved explicitly by Ammianus about the Taifalli, and by Procopius about the Heruli.

Although monogamy was the only known form of the family out of which modern sexual love could develop, it does not follow that this love developed within it exclusively, or even predominantly, as the mutual love of man and wife. The whole nature of strict individual marriage under male domination ruled this out. Among all historically active classes, i.e., among all ruling classes, matrimony remained what it had been since pairing marriage—a matter of convenience arranged by the parents. And the first form of sexual love that historically emerges as a passion, and as a passion affecting any person (at least of the ruling classes),

as the highest form of the sexual impulse—which is precisely its specific feature—this, its first form, viz., the chivalrous love of the Middle Ages, was by no means conjugal love. On the contrary, in its classical form, among the Provençals, it steers under full sail towards adultery, the praises of which are sung by their poets. The "Albas" (Songs of the Dawn) are the flower of Provençal love poetry. They describe in glowing colours how the knight lies with his love—the wife of another—while the watchman stands guard outside, calling him at the first faint streaks of dawn (alba) so that he may escape unobserved. The parting scene then constitutes the climax. The Northern French, as well as the worthy Germans, likewise adopted this style of poetry, along with chivalrous love, which corresponded to it; and on this same suggestive theme our own old Wolfram von Eschenbach has left us three exquisite songs of the dawn, which I prefer to his three long heroic poems.

Bourgeois marriage of our own times is of two kinds. In Catholic countries the parents still provide a suitable wife for their young bourgeois son, and the consequence is naturally the fullest unfolding of the contradiction inherent in monogamy—flourishing hetaerism on the part of the husband, and flourishing adultery on the part of the wife. The Catholic Church doubtlessly abolished divorce only because it was convinced that for adultery, as for death, there is no cure whatsoever. In Protestant countries, on the other hand, it is the rule that the bourgeois son is allowed to seek a wife for himself from his own class, more or less freely. Consequently, marriage can be based on a certain degree of love which, for decency's sake, is always assumed, in accordance with Protestant hypocrisy. In this case, hetaerism on the part of the man is less actively pursued, and adultery on the woman's part is not so much the rule. Since, in every kind of marriage, however, people remain what they were before they married, and since the citizens of Protestant countries are mostly philistines, this Protestant monogamy leads, if we take the average of the very best cases, to a wedded life of leaden boredom, which is described as domestic bliss. The best mirror of these two ways of marriage is the novel; the French novel for the Catholic style, and the German novel for the Protestant. In both cases "he gets it"; in the German novel the young man gets the girl; in the French, the husband gets the cuckold's horns. Which of the two is in the worse plight is not always easy to make out. For the dullness of the German novel excites the same horror in the French bourgeois as the "immorality" of the French novel excites in the German philistine, although lately, since "Berlin is becoming a world city," the German novel has begun to deal a little less timidly with hetaerism and adultery, long known to exist there.

In both cases, however, marriage is determined by the class position of

the participants, and to that extent, always remains marriage of convenience. In both cases, this marriage of convenience often enough turns into the crassest prostitution—sometimes on both sides, but much more generally on the part of the wife, who differs from the ordinary courtesan only in that she does not hire out her body like a wage worker on piecework, but sells it into slavery once and for all. Fourier's words hold good for all marriages of convenience: "Just as in grammar two negatives make a positive, so in the morals of marriage, two prostitutions make one virtue." Sexual love in the relations of husband and wife is and can become the rule only among the oppressed classes, that is, at the present day, among the proletariat, no matter whether this relationship is officially sanctioned or not. But here, all the foundations of classical monogamy are removed. Here, there is a complete absence of all property, for the safeguarding and inheritance of which monogamy and male domination were indeed established. Therefore, there is no stimulus whatever here to assert male domination. What is more, the means, too, are absent; bourgeois law, which protects this domination, exists only for the propertied classes and their dealings with the proletarians. It costs money, and therefore, owing to the worker's poverty, has no validity in his attitude towards his wife. Personal and social relations of quite a different sort are the decisive factors here. And since, in particular, large-scale industry has transferred the woman from the house to the labour market and the factory, and makes her, often enough, the breadwinner of the family, the last remnants of male domination in the proletarian home have lost all foundation—except, perhaps, for a survival of the brutality towards women which gained ground with the establishment of monogamy. Thus, the proletarian family is no longer monogamous in the strict sense, even in cases of the most passionate love and strictest fidelity of the two parties, and despite all spiritual and worldly benedictions which the marriage may have received. The two eternal adjuncts of monogamy—hetaerism and adultery—therefore, play an almost negligible role here; the woman has regained, in fact, the right of separation, and when the man and woman cannot agree they prefer to part. In short, proletarian marriage is monogamous in the etymological sense of the word, but by no means in the historical sense.

Our jurists, to be sure, hold that the progress of legislation to an increasing degree removes all cause for complaint on the part of the woman. Modern civilized systems of law are recognizing more and more, firstly, that, in order to be effective, marriage must be an agreement voluntarily entered into by both parties; and secondly, that during marriage also, both parties must be on an equal footing in respect to rights and

obligations. If, however, these two demands were consistently carried into effect, women would have all that they could wish for.

This typical lawyer's reasoning is exactly the same as that with which the radical republican bourgeois dismisses the proletarian. The labour contract is supposed to be voluntarily entered into by both parties. But it is taken to be voluntarily entered into as soon as the law has put both parties on an equal footing *on paper*. The power given to one party by its different class position, the pressure it exercises on the other—the real economic position of both—all this is no concern of the law. And both parties, again, are supposed to have equal rights for the duration of the labour contract, unless one or the other of the parties expressly renounces them. That the concrete economic situation compels the worker to forego even the slightest semblance of equal rights—this again is something the law cannot help.

As far as marriage is concerned, even the most progressive law is fully satisfied as soon as the parties formally register their voluntary wish to get married. What happens behind the legal curtains, where real life is enacted, how this voluntary agreement is arrived at—about these, the law and the jurist cannot bother. And yet the simplest comparison of laws should serve to show the jurist what this voluntary agreement really is. In countries where the children are legally assured of a rightful share of their parents' property and thus cannot be disinherited—in Germany, and the countries under French law, etc.—the children must obtain their parents' consent in the question of marriage. In countries under English law, where parental consent to marriage is not legally requisite, the parents have full testatory freedom over their property and can, if they so desire, disinherit their children. It is clear, therefore, that despite this, or rather just because of this, among those classes which have something to inherit, freedom to marry is not one whit greater in England and America than in France or Germany.

The position is no better with regard to the juridical equality of man and woman in marriage. The inequality of the two before the law, which is a legacy of previous social conditions, is not the cause, but the effect, of the economic oppression of women. In the old communistic household, which embraced numerous couples and their children, the administration of the household, entrusted to the women, was just as much a public function, a socially necessary industry, as the providing of food by the men. This situation changed with the patriarchal family, and even more with the monogamous individual family. The administration of the household lost its public character. It was no longer the concern of society. It became a *private service*. The wife became the first domestic servant, pushed out of participation in social production. Only modern large-scale industry

again threw open to her—and only to the proletarian woman at that—the avenue to social production; but in such a way that, when she fulfils her duties in the private service of her family, she remains excluded from public production and cannot earn anything; and when she wishes to take part in public industry and earn her living independently, she is not in a position to fulfil her family duties. What applies to the woman in the factory applies also to women in all spheres, right up to medicine and law. The modern individual family is based on the open or disguised domestic enslavement of the woman; and modern society is a mass composed solely of individual families as its molecules. Today, in the great majority of cases, the man has to be the earner, the breadwinner of the family, at least among the propertied classes, and this gives him a dominating position which requires no additional legal privileges. In the family, he is the bourgeois; the wife represents the proletariat. In the industrial world, however, the specific character of the economic oppression that weighs down the proletariat stands out in all its sharpness only after all the special legal privileges of the capitalist class have been set aside and the complete juridical equality of both classes is established. The democratic republic does not abolish the antagonism between the two classes; on the contrary, it provides the field on which it is fought out. And, similarly, the peculiar character of man's domination over woman in the modern family, and the necessity, as well as the manner, of establishing real social equality between the two, will be brought out in sharp relief only when both are completely equal before the law. It will then become evident that the first premise for the emancipation of women is the re-introduction of the entire female sex into public industry; and that this again demands the abolition of the specific feature of the individual family as the economic unit of society.

* * *

We have, then, three chief forms of marriage, which, generally speaking, conform to the three main stages of human development. For savagery—group marriage; for barbarism—pairing marriage; for civilization—monogamy, supplemented by adultery and prostitution. In the upper stage of barbarism, wedged in between the pairing family and monogamy are the absolute command of men over female slaves and polygamy.

As our whole exposition has shown, the advance to be noted in this sequence is linked with the peculiar fact that while women are more and more deprived of the sexual freedom of group marriage, the men are not. Actually, for men, group marriage exists to this day. What for a woman is a crime entailing dire legal and social consequences, is

regarded in the case of a man as being honourable or, at most, as a slight moral stain that one bears with pleasure. The more the old traditional hetaerism is changed in our day by capitalist commodity production and adapted to it, and the more it is transformed into unconcealed prostitution, the more degrading are its effects. And it degrades the men far more than it does the women. Among women, prostitution degrades only those unfortunates who fall into its clutches; and even these are not degraded to the degree that is generally believed. On the other hand, it degrades the character of the entire male world. Thus, in nine cases out of ten, a long engagement is practically a preparatory school for conjugal infidelity.

We are now approaching a social revolution in which the hitherto existing economic foundations of monogamy will disappear, just as certainly as will those of its adjunct—prostitution. Monogamy arose out of the concentration of considerable wealth in the hands of one person—and that a man—and out of the need to bequeath this wealth to this man's children and to no one else's. For this purpose monogamy was essential on the woman's part, but not on the man's; so that this monogamy in no way hindered the overt or covert polygamy of the man. The impending social revolution, however, by transforming at least the greater part of permanent inheritable wealth—the means of production—into social property, will reduce all this anxiety about inheritance to a minimum. Since monogamy arose out of economic causes, will it disappear when these causes disappear?

One might not unjustly answer: far from disappearing, it will, indeed, begin to be completely realized. For with the conversion of the means of production into social property, wage-labour, the proletariat, also disappears, and therewith, also, the necessity for a certain—statistically calculable—number of women to surrender themselves for money. Prostitution disappears; monogamy, instead of declining, finally becomes a reality—for the men as well.

At all events, the position of the men undergoes considerable change. But that of the women, of *all women*, also undergoes important alteration. With the conversion of the means of production into communal property, the individual family ceases to be the economic unit of society. Private housekeeping is transformed into a social industry. The care and education of the children becomes a public matter. Society takes care of all children equally, irrespective of whether they are born in wedlock or not. Thus, the anxiety about the "consequences" which is today the most important social factor—both moral and economic—that hinders a girl from giving herself freely to the man she loves, disappears. Will this not be cause enough for the gradual development of free intercourse between

the sexes, and along with it, a more lenient public opinion regarding virginal honour and feminine shame? And finally, have we not seen that monogamy and prostitution in the modern world, although opposites, are nevertheless inseparable opposites, poles of the same social conditions? Can prostitution disappear without dragging monogamy with it into the abyss?

Here a new factor comes into operation, a factor that, at most, existed in embryo in the period that monogamy developed; viz., individual sex love.

No such thing as individual sex love existed before the Middle Ages. That personal beauty, intimate association, similarity in inclinations, etc., aroused desire for sexual intercourse among people of opposite sexes, that men and women were not totally unconcerned with whom they entered into this most intimate relation, is obvious. But this is still a far cry from the sex love of our day. Throughout antiquity marriages were arranged by the parents; the parties meekly acquiesced. The little conjugal love that was known to antiquity was not in any way a subjective inclination, but an objective duty; not a reason for but a corollary of marriage. In antiquity, love relations in the modern sense only occur outside official society. The shepherds, whose joys and sorrows in love are sung by Theocritus and Moschus, or by Longus' Daphnis and Chloë, are mere slaves, who have no share in the state, the sphere of the free citizen. Except among the slaves, however, we find love affairs only as disintegration products of the declining ancient world; and with women who are also beyond the pale of official society, with hetaerae, that is, with alien or freed women: in Athens from the eve of its decline, in Rome at the time of the Emperors. If love affairs really occurred between free citizens, it was only in the form of adultery. And sexual love in our sense of the term was so immaterial to that classical love poet of antiquity, old Anacreon, that even the sex of the beloved one was a matter of complete indifference to him.

Our sexual love differs materially from the simple sexual desire, the Eros, of the ancients. Firstly, it presupposes reciprocal love on the part of the loved one; in this respect, the woman stands on a par with the man; whereas in the ancient Eros, the woman was by no means always consulted. Secondly, sexual love attains a degree of intensity and permanency where the two parties regard non-possession and separation as a great, if not the greatest, misfortune; in order to possess each other they take great hazards, even risking life itself—what in antiquity happened, at best, only in cases of adultery. And finally, a new moral standard arises for judging sexual intercourse. The question asked is not only whether such intercourse was legitimate or illicit, but also whether it arose from mutual love or not? It goes without saying that in feudal or bourgeois

practice this new standard fares no better than all the other moral standards—it is simply ignored. But it fares no worse. It is recognized in theory, on paper, like all the rest. And more than this cannot be expected for the present.

Where antiquity broke off in its development towards sexual love, the Middle Ages began, namely, with adultery. We have already described medieval chivalrous love which gave rise to the Songs of the Dawn. There is still a wide gulf between this kind of love, which aimed at breaking up matrimony, and the love destined to be its foundation, a gulf never completely bridged by the age of chivalry. Even when we pass from the frivolous Latin peoples to the virtuous Germans, we find in the *Nibelungenlied*, that Kriemhild—although secretly in love with Siegfried every whit as much as he is with her—nevertheless, in reply to Gunther's intimation that he has plighted her to a knight whom he does not name, answers simply: "You have no need to ask; as you command, so will I be forever. He whom you, my lord, choose for my husband, to him will I gladly plight my troth." It never even occurs to her that her love can possibly be considered in this matter. Gunther seeks the hand of Brunhild without ever having seen her, and Etzel does the same with Kriemhild. The same occurs in *Gutrun*, where Sigebrant of Ireland seeks the hand of Ute the Norwegian, Hetel of Hegelingen that of Hilde of Ireland; and lastly, Siegfried of Morland, Hartmut of Ormany and Herwing of Zeeland seek the hand of Gutrun; and here for the first time it happens that Gutrun, of her own free will, decides in favour of the last-named. As a rule, the bride of a prince is selected by his parents; if these are no longer alive, he chooses her himself with the counsel of his highest vassal chiefs, whose word carries weight in all cases. Nor can it be otherwise; for the knight, or baron, just as for the prince himself, marriage is a political act, an opportunity for the extension of power and influence through new alliances; the interests of the *house* and not individual inclination are the decisive factor. How can love here hope to have the last word regarding marriage?

It was the same for the guildsman of the medieval towns. The very privileges which protected him—the guild charters with their special stipulations, the artificial lines of demarcation which legally separated him from other guilds, from his own fellow-guildsmen and from his apprentices and journeymen—restricted the circle in which he could hope to secure a suitable spouse. And the question as to who was the most suitable was definitely decided under this complicated system, not by individual inclination, but by family interest.

Up to the end of the Middle Ages, therefore, marriage, in the overwhelming majority of cases, remained what it had been from the commence-

ment, an affair that was not decided by the two principal parties. In the earliest times one came married into the world, married to a whole group of the opposite sex. A similar relation probably existed in the later forms of group marriage, only under conditions of ever-increasing limitation of the group. In the pairing family it is the rule that the mothers arrange their children's marriages; and here also, considerations of new ties of relationship that will strengthen the young couple's position in the gens and tribe are the decisive factor. And when, with the predominance of private property over communal property, and in consequence, of the interest in inheritance, father-right and monogamy rise to ascendancy, marriage becomes still more dependent on economic considerations. The *form* of marriage by purchase disappears, the transaction itself is to an ever-increasing degree carried out in such a way that not only the woman but the man also is appraised, not by his personal qualities, but by his possessions. The idea that the mutual inclinations of the principal parties should be the all-supreme reason for matrimony remained unheard of in the practice of the ruling classes even from the very beginning. Such things took place, at best, in romance only, or—among the oppressed classes, which did not count.

This was the situation found by capitalist production when, following the era of geographical discoveries, it set out to conquer the world through world trade and manufacture. One would think that this mode of matrimony would suit it exceedingly, and such was actually the case. And yet—the irony of world history is unfathomable—it was capitalist production that had to make the decisive breach in it. By transforming all things into commodities, it dissolved all traditional relations, and for inherited customs and historical rights it substituted purchase and sale, "free" contract. And H. S. Maine, the English jurist, believes that he has made a colossal discovery when he says that our entire progress in comparison with previous epochs consists in our having evolved from status to contract, from conditions handed down traditionally to those voluntarily contracted—a statement which in so far as it is correct, was contained long ago in the *Communist Manifesto.**

But contracts can be concluded by people who can freely dispose of their persons, actions and possessions, and who meet each other on equal terms. To create such "free" and "equal" people was precisely one of the chief tasks of capitalist production. Although in the beginning this took place only in a semi-conscious manner, and in a religious guise, nevertheless, from the time of the Lutheran and Calvinistic Reformation it became a firm principle that a person was only completely responsible

* See *The Communist Manifesto*, Chapter II.—*Ed. Eng. ed.*

for his actions if he possessed the fullest free will in performing them, and that it was a moral duty to resist all compulsion to commit immoral acts. But how does this fit in with the previous practice of matrimony? According to bourgeois conceptions, matrimony was a contract, an affair of law, indeed the most important of all, since it disposed of the body and mind of two persons for life. True, formally speaking, they were entered into voluntarily; it was not done without the consent of the parties; but how this consent was obtained, and who really arranged the marriage was known only too well. But if real freedom to decide was demanded for all other contracts, why not for this? Had not the two young people about to be united the right freely to dispose of themselves, their bodies and its organs? Did not sexual love become the fashion as a consequence of chivalry, and was not the love of husband and wife its correct bourgeois form, as against the adulterous love of the knights? But if it was the duty of married people to love each other, was it not just as much the duty of lovers to marry each other and nobody else? And did not the right of these lovers stand higher than that of parents, relations and other traditional marriage makers and marriage brokers? If the right of free personal discrimination unceremoniously forced its way into the church and religion, how could it halt at the intolerable claim of the older generation to dispose of body and soul, over the property, the happiness and the unhappiness of the younger generation?

These questions were bound to arise in a period which loosened all the old social ties and which shook the foundations of all traditional conceptions. At one stroke the size of the world increased nearly ten-fold. Instead of only a quadrant of a hemisphere the whole globe was now open to the gaze of the West Europeans who hastened to take possession of the other seven quadrants. And the thousand-year-old barriers set up by medieval modes of thought vanished in the same way as did the old, narrow, territorial barriers. An infinitely wider horizon opened out both to man's mind and to his gaze. Of what avail were the good intentions of respectability, the honoured guild privileges handed down through the generations, to the young man who was allured by India's riches, by the gold and silver mines of Mexico and Potosi? It was the knight-errant period of the bourgeoisie; it had its romance also, and its love dreams, but on a bourgeois basis and, in the last analysis, with bourgeois ends in view.

Thus it happened that the rising bourgeoisie, particularly of the Protestant countries, where the existing order was shaken up most of all, increasingly recognized freedom of contract for marriage also and carried it through in the manner described above. Marriage remained class-marriage, but, within the confines of the class, the parties were accorded a certain degree of freedom of choice. And on paper, in moral theory as

in poetry, nothing was more unshakably established than that every marriage not based on mutual sex love and on the really free agreement of man and wife, was immoral. In short, love-marriage was proclaimed a human right; not only as "droit de l'homme"* but also, strange to say, as "droit de la femme."**

But in one respect this human right differed from all other so-called human rights. While, in practice, the latter remained limited to the ruling class, the bourgeoisie—the oppressed class, the proletariat, being directly or indirectly deprived of them—in the case of the former, the irony of history asserts itself once again. The ruling class continues to be dominated by the familiar economic influences and, therefore, only in exceptional cases can it show really voluntary marriages; whereas, as we have seen, these are the rule among the subjected class.

Thus, full freedom in marriage can become generally operative only when the abolition of capitalist production, and of the property relations created by it, has removed all those secondary economic considerations which now exert so powerful an influence on the choice of a partner. Then, no other motive remains than mutual attraction.

Since sex love is by its very nature exclusive—although this exclusiveness is fully realized today only in the woman—then marriage based on sex love is by its very nature monogamy. We have seen how correct Bachofen was when he regarded the advance from group marriage to individual marriage chiefly as the work of the women; only the advance from pairing marriage to monogamy can be placed to the men's account, and, historically, this consisted essentially in the worsening of the position of women and in facilitating infidelity on the part of the men. With the disappearance of the economic considerations which compelled women to tolerate the customary infidelity of the men—the anxiety about their own existence and even more about the future of their children—the equality of woman thus achieved will, judging from all previous experience, result far more forcibly in the men becoming really monogamous than in the women becoming polyandrous.

What will most definitely disappear from monogamy, however, are all those characteristics stamped on it as a consequence of its having arisen out of property relationships. These are, firstly, the supremacy of men, and secondly, the indissolubility of marriage. The supremacy of the man in marriage is simply a consequence of his economic supremacy, and will vanish with it automatically. The indissolubility of marriage is partly the result of the economic conditions under which monogamy arose, and partly a tradition from the time when the connection between

* Man's right.—*Ed. Eng. ed.*
** Woman's right.—*Ed. Eng. ed.*

monogamy and these conditions was not yet quite fully understood and was perverted by religion. Today it has been undermined a thousand-fold. If only marriages that are based on love are moral, then, indeed, only those are moral in which love continues. The duration of the impulse of individual sex love differs very much according to the individual, particularly among men; and a definite cessation of affection, or its displacement by a new passionate love, makes separation a blessing for both parties as well as for society. People will only be spared the experience of wading through the useless mire of divorce proceedings.

Thus, what we can conjecture at present about the regulation of sex-relationships after the impending downfall of capitalist production is, in the main, of a negative character, limited mostly to what will vanish. But what will be added? That will be settled after a new generation has grown up; a generation of men who never in all their lives have had occasion to purchase a woman's surrender either with money or with any other means of social power; and a race of women who have never been obliged to surrender to any man out of any consideration other than that of real love, or to refrain from giving themselves to their lovers for fear of the economic consequences. Once such people appear, they will not care a rap about what we today think they should do. They will establish their own practice and their own public opinion, conformable therewith, of the practice of each individual—and that's the end of it.

In the meantime, let us return to Morgan, from whom we have strayed quite considerably. The historical investigation of the social institutions which developed during the period of civilization lies outside the scope of his book. Consequently, he concerns himself only briefly with the fate of monogamy during this period. He, too, regards the development of the monogamous family as an advance, as an approximation to the complete equality of the sexes, without, however, considering that this goal has been reached. But, he says, "when the fact is accepted that the family has passed through four successive forms, and is now in a fifth, the question arises whether this form can be permanent in the future. The only answer that can be given is that it must advance as society advances, and change as society changes, even as it has done in the past. It is the creature of the social system, and will reflect its culture. As the monogamian family has improved greatly since the commencement of civilization and very sensibly in modern times, it is at least supposable that it is capable of still further improvement until the equality of the sexes is attained. Should the monogamian family in the distant future fail to answer the requirements of society... it is impossible to predict the nature of its successor."*

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* Morgan, *Ancient Society*, p. 499.—*Ed. Eng. ed.*

CHAPTER THREE

THE IROQUOIS GENS

We now come to a further discovery of Morgan's, which is at least as important as the reconstruction of the primitive form of the family out of the systems of consanguinity. The demonstration of the fact that the groups within the American-Indian tribe, designated by the names of animals, are in essence identical with the genea of the Greeks and the gentes of the Romans; that the American was the original form of the gens and the Greek and Roman the later, derivative form; that the entire social organization of the Greeks and Romans of primitive times in gens, phratry and tribe finds its faithful parallel in that of the American Indians; that (as far as our present sources of information go) the gens is an institution common to all barbaric tribes up to their entry into civilization, and even afterwards—this demonstration cleared up at one stroke the most difficult parts of the earliest Greek and Roman history. At the same time it has thrown unexpected light on the fundamental features of the social constitution of primitive times—before the introduction of the *state*. Simple as this may seem when one knows it—nevertheless, Morgan discovered it only very recently. In his previous work, published in 1871,* he had not yet hit upon the secret, the discovery of which reduced for a time the usually so confident English pre-historians to a mouse-like silence.

The Latin word gens, which Morgan employs as a general designation for this kinship association, is, like its Greek equivalent—genos, derived from the common Aryan root gan (in German, where the Aryan g is, according to rule,** replaced by k, it is kan), which means to beget. Gens, genos, the Sanscrit janas, the Gothic kuni (in accordance with the above-mentioned rule), the ancient Nordic and Anglo-Saxon kyn, the Eng-

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* Refers to *Systems of Consanguinity and Affinity of the Human Family* (1871). Smithsonian Publications. Vol. XVII.—*Ed. Eng. ed.*

** Engels refers here to Grimm's Law of the shifting of consonants in the Indo-European languages.—*Ed. Eng. ed.*

lish kin, the Middle High German künne, all equally signify clan, common descent. However, gens in the Latin and genos in the Greek are specially used for those kinship associations which boast a common descent (in this case from a common male ancestor) and which, through certain social and religious institutions, are linked together into a special community, whose origin and nature had hitherto, nevertheless, remained obscure to all our historians.

We have already seen above, in connection with the punaluan family, how a gens in its original form is constituted. It consists of all persons who, by virtue of punaluan marriage and in accordance with the conceptions necessarily predominating therein, constitute the recognized descendants of a definite individual ancestress, the founder of the gens. Since paternity is uncertain in this form of the family, female lineage alone is valid. Since the brothers may not marry their sisters, but only women of different descent, the children born of such women fall, according to mother-right, outside the gens. Thus, only the offspring of the *daughters* of each generation remain in the kinship group, while the offspring of the sons go over into the gentes of their mothers. What, then, becomes of this consanguine group once it constitutes itself as a special group, as against similar groups within the tribe?

Morgan takes the gens of the Iroquois, particularly that of the Seneca tribe, as the classical form of the original gens. They have eight gentes named after the following animals: 1) Wolf; 2) Bear; 3) Turtle; 4) Beaver; 5) Deer; 6) Snipe; 7) Heron; 8) Hawk. The following usages prevail in each gens:

1) It elects its sachem (headman in times of peace) and its chief (leader in war). The sachem had to be elected from within the gens itself and his office was hereditary in the gens, in the sense that it had to be immediately filled whenever a vacancy occurred. The war chief could be elected also outside the gens and the office could at times remain vacant. The son of the previous sachem never succeeded to the office, since mother-right prevailed among the Iroquois, and the son therefore belonged to a different gens. The brother or the sister's son, however, was often elected. All voted at the election—men and women alike. The choice, however, had to be confirmed by the remaining seven gentes and only then was the elected person ceremonially installed; this being carried out by the general council of the entire Iroquois confederacy. The significance of this will be seen later. The sachem's authority within the gens was of a paternal and purely moral character. He had no means of coercion at his command. He was by virtue of his office a member also of the tribal council of the Senecas, as well as of the Council of the Confederacy of all the Iroquois. The war chief had a say only in military expeditions.

2) The gens can depose the sachem and war chief at will. This again is carried through jointly by the men and women of the gens. Thereafter, the deposed rank as simple warriors and private persons like the rest. The council of the tribe can also depose the sachems, even against the wishes of the gens.

3) No member is permitted to marry within the gens. This is the fundamental rule of the gens, the bond which keeps it together; it is the negative expression of the very positive blood-relationship, by virtue of which the individuals associated in it really become a gens. By the discovery of this simple fact Morgan, for the first time, revealed the nature of the gens. How little the gens had been understood until then is proved by the earlier reports concerning savages and barbarians, in which the various bodies constituting the gentile organization are ignorantly and indiscriminately referred to as tribe, clan, thum, etc.; and regarding these it is sometimes asserted that marriage within any such body is prohibited. This gave rise to the hopeless confusion in which Mr. McLennan could intervene as a Napoleon, creating order by his fiat: All tribes are divided into those in which marriage is forbidden (exogamous) and those in which it is permitted (endogamous). And after having thus thoroughly confused matters he could indulge in most profound investigations as to which of his two absurd classes was the older, exogamy or endogamy. This nonsense ceased automatically with the discovery of the gens based on blood relationship and the consequent impossibility of marriage between its members. Obviously, at the stage in which we find the Iroquois, the rule forbidding marriage within the gens is inflexibly adhered to.

4) The property of deceased persons was distributed among the remaining members of the gens—it had to remain in the gens. In view of the insignificance of the effects which an Iroquois could leave, the heritage was divided among the nearest relations in the gens. Thus, when a man died, his natural brothers and sisters and his maternal uncle appropriated the effects; and when a woman died, then her children and natural sisters, but not her brothers, appropriated them. Precisely because of this, man and wife could not inherit from each other, nor could children inherit from their father.

5) The members of the gens were bound to give one another assistance, protection and particularly support in avenging injuries inflicted by outsiders. The individual depended and could depend for his security on the protection of the gens. Whoever injured him injured the whole gens. From this—the blood ties of the gens—arose the obligation of blood revenge, which was unconditionally recognized by the Iroquois. If an outsider slew a member of the gens the whole gens to which the slain person belonged was pledged to blood revenge. First mediation was tried. A

council of the slayer's gens was held and propositions were made to the council of the victim's gens for a condonation of the act—mostly in the form of expressions of regret and presents of considerable value. If these were accepted, then the whole affair was settled. If not, the injured gens appointed one or more avengers, whose duty it was to track down and slay the murderer. If this was accomplished the gens of the latter had no right to complain, the matter was regarded as adjusted.

6) The gens has definite names or series of names which it alone, in the whole tribe, is entitled to use, so that an individual's name also indicated the gens to which he belonged. A gentile name carried gentile rights with it as a matter of course.

7) The gens can adopt strangers and thereby admit them into the tribe as a whole. Prisoners of war that were not slain became members of the Seneca tribe by adoption into a gens and thereby obtained the full tribal and gentile rights. The adoption took place at the request of individual members of the gens—men placed the stranger in the relation of a brother or sister, women in that of a child. For confirmation, ceremonial acceptance into the gens was necessary. Gentes exceptionally reduced in numbers were often replenished by mass adoption from another gens, with the latter's consent. Among the Iroquois, the ceremony of adoption into the gens was performed at a public council of the tribe, which turned it practically into a religious ceremony.

8) It is difficult to discover evidence of special religious rites among the Indian gentes—but the religious ceremonies of the Indians are more or less connected with the gentes. Among the Iroquois, at their six annual religious festivals, the sachems and war chiefs of the individual gentes were reckoned among the "Keepers of the Faith" ex officio and exercised priestly functions.

9) The gens has a common burial place. That of the Iroquois of New York State, who have been hemmed in by the whites, has now disappeared, but it formerly existed. It still survives amongst other Indian tribes, as, for instance, amongst the Tuscaroras, a tribe closely related to the Iroquois, who, although now Christian, still retain in their cemetery a special row for each gens, so that the mother is buried in the same row as her children, but not the father. And among the Iroquois also, all the members of the gens are mourners at the funeral, prepare the grave, deliver funeral orations and so forth.

10) The gens has a council, the democratic assembly of all adult male and female members of the gens, all with equal voice. This council elects and deposes the sachems and war chiefs and, likewise, the remaining "Keepers of the Faith." It decides about blood-money, or blood revenge,

for murdered members of the gens. It adopts strangers into the gens. In short, it is the sovereign power in the gens.

These are the rights and obligations of a typical Indian gens. "All the members of an Iroquois gens were personally free and they were bound to defend each other's freedom; they were equal in privileges and in personal rights, the sachem and chiefs claiming no superiority; and they were a brotherhood bound together by ties of kin. Liberty, equality, and fraternity, though never formulated, were cardinal principles of the gens . . . the gens was the unit of a social . . . system, the foundation upon which Indian society was organized. . . . This structure serves to explain that sense of independence and personal dignity universally an attribute of Indian character."*

At the time of their discovery, the Indians in all North America were organized in gentes in accordance with mother-right. Only in a few tribes, as amongst the Dakotas, had the gentes fallen out, while in some others, such as the Ojibwas and Omahas, they were organized in accordance with father-right.

Among numerous Indian tribes having more than five or six gentes, we find three, four or more gentes united in a special group which Morgan—faithfully translating the Indian term by its Greek counterpart—calls the phratry (brotherhood). Thus, the Senecas have two phratries, the first embracing the gentes 1 to 4, and the second the gentes 5 to 8. Closer investigation shows that these phratries, in the main, represent those original gentes into which the tribe split at the outset; for with the prohibition of marriage within the gens, each tribe had necessarily to consist of at least two gentes in order to be capable of independent existence. As the tribe increased, each gens again subdivided into two or more gentes, each of which now appears as a separate gens, while the original gens, which embraces all the daughter gentes, lives on as the phratry. Among the Senecas and most other Indian tribes, the gentes in one phratry are brother gentes, while those in others are their cousin gentes—designations which, as we have seen, have a very real and expressive significance in the American system of consanguinity. Originally, indeed, no Seneca could marry within his phratry; but this prohibition has long since lapsed and is limited only to the gens. The Senecas had a tradition that the Bear and the Deer were the two original gentes, of which the others were off-shoots. Once this new institution had become firmly rooted, it was modified according to need. In order to maintain equilibrium, whole gentes out of other phratries were occasionally transferred to those in which gentes had died out. This explains why we find gentes

* Morgan, *Ancient Society*, pp. 85-86.—*Ed. Eng. ed.*

of the same name variously grouped among the phratries in different tribes.

Among the Iroquois the functions of the phratry are partly social and partly religious. 1) The ball game is played by phratries, one against the other; each phratry puts forward its best players, the remaining members of the phratry being spectators arranged according to phratry, who bet against each other on the success of their respectives sides. 2) At the council of the tribe the sachems and war chiefs of each phratry sit together, the two groups facing each other, and each speaker addresses the representatives of each phratry as a separate body. 3) If a murder was committed in the tribe and the victim and the slayer did not belong to the same phratry, the aggrieved gens often appealed to its brother gentes; these held a phratry council and addressed themselves to the other phratry, as a body, asking it also to summon a council for the adjustment of the matter. Here again the phratry appears as the original gens and with greater prospects of success than the weaker individual gens, its offspring. 4) On the death of persons of importance, the opposite phratry undertook the arrangement of the funeral and the burial rites, while the phratry of the deceased participated as mourners. If a sachem died, the opposite phratry notified the federal council of the Iroquois of the vacancy in the office. 5) The council of the phratry again appeared on the scene at the election of a sachem. Confirmation by the brother gentes was regarded as rather a matter of course, but the gentes of the other phratry might oppose. In such a case the council of this phratry met and, if it upheld the opposition, the election was null and void. 6) Formerly, the Iroquois had special religious mysteries, which white men called "medicine lodges." Among the Senecas these were celebrated by two religious organizations, one for each phratry, with a regular ritual of initiation for new members. 7) If, as is almost certain, the four lineages (kinship groups) that occupied the four quarters of Tlascala at the time of the Conquest were really four phratries, then this proves that the phratries, as among the Greeks, and similar kinship unions among the Germans, served also as military units. These four lineages went into battle, each one as a separate unit, wearing a special costume, marching under its own banners and led by its own commander.

Just as several gentes constitute a phratry, so, in the classical form, several phratries constitute a tribe. In many cases the middle link, the phratry, is absent among extremely weakened tribes. What distinguishes the Indian tribe in America?

1) The possession of its own territory and its own name. In addition to the area of actual settlement, each tribe possessed considerable territory for hunting and fishing. Beyond this there was a wide stretch of

neutral land reaching to the territory of the next tribe; the extent of this neutral territory was small or large, according as to whether the languages of the two tribes were related or not. Such neutral ground was the boundary forest of the Germans, the wasteland which surrounded the territory of Caesar's Suevi, the îsarnholt (Danish jarnved, limes Danicus) between the Danes and the Germans, the Saxon forest and the branibor (defence forest in Slavonic)—from which Brandenburg derives its name—between Germans and Slavs. The territory thus marked out by imperfectly defined boundaries was the common land of the tribe, recognized as such by neighbouring tribes, and defended by the tribe against any encroachment. In most cases, the uncertainty of the boundaries became a practical inconvenience only when the population had greatly increased. The tribal names appear to have been the result more of accident than of deliberate choice. As time passed it frequently happened that a tribe was designated by neighbouring tribes with a name different from that which it itself used, as was the case with the Germans, whose first comprehensive historical name—Germans—was bestowed on them by the Celts.

2) A special *dialect* peculiar to this tribe only. In fact, tribe and dialect are substantially co-extensive. The establishment of new tribes and dialects through sub-division was in progress in America until quite recently, and can hardly have ceased altogether even now. Where two weakened tribes have amalgamated into one, it happens, by way of exception, that two closely related dialects are spoken in the same tribe. The average strength of American tribes is under 2,000. The Cherokees, however, are 26,000 strong—being the largest number of Indians in the United States that speak the same dialect.

3) The right of investing the sachems and war chiefs elected by the gentes, and

4) The right to depose them again, even against the wishes of the gens to which they belong. As these sachems and war chiefs are members of the tribal council, these rights of the tribe in relation to them explain themselves. Wherever a confederacy of tribes was established and all the tribes were represented in its federal council, the above rights were transferred to this latter body.

5) The possession of common religious ideas (mythology) and rites of worship. "After the fashion of barbarians the American Indians were a religious people."* Their mythology has not yet been critically investigated by any means. They already personified their religious ideas—spirits of all kinds—in human form, but in the lower stage of

* Morgan, *Ancient Society*, p. 117.—*Ed. Eng. ed.*

barbarism in which they lived there was as yet no plastic representation, no so-called idols. It is a nature and element worship—evolving towards polytheism. The various tribes had their regular festivals with definite forms of worship, particularly dancing and games. Dancing especially was an essential part of the ceremonies at all religious festivals, each tribe holding its own festivals separately.

6) A tribal council for common affairs. It consisted of all the sachems and war chiefs of the individual gentes—the real representatives of the latter, because they could always be deposed. Its discussions were public, held in the midst of the other members of the tribe, who had the right to intervene and to secure a hearing for their opinions; power of decision lay with the council. As a rule it was open to everyone to address the council; even the women could express their views through a spokesman of their own choice. Among the Iroquois the final decisions had to be unanimous, as was also the case with many of the decisions of the German mark communities. In particular, the regulation of relations with other tribes devolved upon the tribal council. It received and sent embassies, it declared war and concluded peace. When war broke out it was carried on mainly by volunteers. In theory each tribe was in a state of war with every other tribe with which it had not expressly concluded a treaty of peace. Military expeditions were for the most part organized against such enemies by a few outstanding warriors. They gave a war-dance; whoever joined in the dance thereby declared his intention to participate in the expedition. The war-party was immediately formed and it set out forthwith. When the tribal territory was attacked, its defence was in the same manner carried through mainly by volunteers. The departure and return of such war parties were always made the occasion for public festivities. The sanction of the tribal council for such expeditions was not necessary. It was neither sought nor given. They were exactly like the private war expeditions of the German retainers, as Tacitus has described them, with the exception, that among the Germans the retainers had already assumed a more permanent character, constituted a strong nucleus and were already organized in times of peace; around this nucleus the remaining volunteers grouped themselves in the event of war. Such war-parties were seldom numerically strong. The most important expeditions of the Indians, even those at great distances, were carried through by insignificant fighting forces. When several such retinues gathered together for an important engagement, each group obeyed its own leader only. The unity of the plan of campaign was ensured, more or less, by a council of these leaders. It was the method of war adopted by the Alamanni of the Upper Rhine in the fourth century as described by Ammianus Marcellinus.

7) In some tribes we find a head chief, whose duties and powers, however, are very slight. He is one of the sachems, who in cases demanding speedy action has to take provisional measures until such time as the council can assemble and make the final decision. This is a feeble but, as further development showed, generally fruitless tendency to create an official with executive authority; actually, as will be seen, it was the principal military commander who, in most cases, if not in all, developed into such an official.

The great majority of American Indians never went beyond the stage of tribal organization. Constituting numerically small tribes, separated from one another by wide borderlands, and enfeebled by perpetual warfare, they occupied an enormous territory with but few people. Alliances arising out of temporary emergencies were concluded here and there between kindred tribes and dissolved again with the passing of the emergency. But in certain areas the subdivisions of originally related tribes reunited in lasting confederacies, and so took the first step towards the building of nations. In the United States we find the most advanced form of such a confederacy among the Iroquois. Emigrating from their original home west of the Mississippi, where they probably constituted a branch of the great Dakota family, they settled down after protracted wanderings in what is today the State of New York; they were divided into five tribes: Senecas, Cayugas, Onondagas, Oneidas and Mohawks. They subsisted on fish, game and the produce of a crude horticulture, and lived in villages protected mostly by stockades. Never more than 20,000 strong, they had a number of gentes common to all the five tribes; they spoke closely-related dialects of the same language and occupied a continuous tract of territory that was divided among the five tribes. Since this area had been newly conquered, habitual co-operation among these tribes against those they displaced was only natural. At the beginning of the fifteenth century at the latest, this developed into a regular "permanent league," a confederacy, which, conscious of its new-found strength, immediately assumed an aggressive character and at the height of its power—about 1675—conquered large stretches of the surrounding country, expelling some of the inhabitants and forcing others to pay tribute. The Iroquois Confederacy was the most advanced social organization attained by the Indians who had not emerged from the lower stage of barbarism (that is, excepting the Mexicans, New Mexicans and Peruvians). The fundamental features of the Confederacy were as follows:

1) Permanent alliance of the five consanguine tribes on the basis of complete equality and independence in all internal tribal affairs. This blood-relationship constituted the true basis of the Confederacy. Of the five tribes, three were called the father-tribes and were brothers one to

another; the other two were called son-tribes and were likewise brother-tribes to each other. Three gentes—the oldest—were still represented in all the five tribes, while another three existed in three tribes. The members of each of these gentes were all mutually brothers throughout the five tribes. The common language, with mere dialectical differences, was the expression and the proof of common descent.

2) The organ of the Confederacy was a Federal Council comprised of fifty sachems, all equal in rank and authority; this Council exercised supreme power in all matters pertaining to the Confederacy.

3) At the time the Confederacy was constituted these fifty sachems were distributed among the tribes and gentes as the bearers of new offices, especially created to suit the aims of the Confederacy. They were elected anew by the gentes concerned whenever a vacancy arose, and could always be deposed by them. The right to invest them with office belonged, however, to the Federal Council.

4) These sachems of the Confederacy were also sachems in their own respective tribes, and each had a seat and a vote in the tribal council.

5) All decisions in the Federal Council had to be unanimous.

6) Voting took place according to tribes, so that each tribe and all the council members in each tribe had to agree before a binding decision could be made.

7) Each of the five tribal councils could convene a Federal Council meeting, but the latter had no power to convene itself.

8) Its meetings took place before the assembled people. Every Iroquois had the right to speak; the council alone decided.

9) The Confederacy had no official head, or chief executive magistrate.

10) It did however have two supreme war chiefs, enjoying equal authority and equal power (the two "kings" of the Spartans, the two consuls in Rome).

This was the whole public constitution under which the Iroquois lived for over four hundred years, and under which they still live. I have given Morgan's account of it in some detail—because it gives us the opportunity of studying the organization of a society which as yet knows no *state*. The state presupposes a special public authority separated from the whole body of those concerned in each case; and Maurer with true instinct recognizes the German mark constitution as a purely social institution differing essentially from the state, although it largely served as its foundation later on. In all his writings, therefore, Maurer investigates the gradual rise of public authority out of and side by side with the original constitutions of the marks, villages, manors and towns. The North American Indians show how an originally united race gradually spread

over an immense continent; how tribes, through sub-division, became nations, whole groups of tribes; how the languages changed not only until they became mutually unintelligible, but until nearly every trace of original unity also disappeared; and how at the same time individual gentes within the tribes broke up into several; how the old mother gentes continued as phratries, and the names of these oldest gentes still remain the same among widely remote and long-separated tribes, e.g.: the Wolf and the Bear are still gentile names among a majority of all Indian tribes. Generally speaking, the constitution described above applies to them all—except that many of them did not attain to the confederation of related tribes.

But we also see that once the gens as a social unit is given, the entire organization of gentes, phratries and tribes develops almost inevitably—because naturally—out of this unit. All three are groups of various degrees of consanguinity, each complete in itself and managing its own affairs, but each also supplementing the rest. And the sphere of affairs devolving on them comprised the totality of the public affairs of the barbarians in the lower stage. Wherever, therefore, we discover the gens as the social unit of a people, we may also look for an organization of the tribe similar to that described above; and where sufficient sources are available, as, for example, amongst the Greeks and the Romans, we shall not only find them, but we shall also convince ourselves that, where the sources fail us, a comparison with the American social organization will help us out of the most difficult doubts and enigmas.

And this gentile constitution is wonderful in all its childlike simplicity! Everything goes its allotted way, without soldiers, gendarmes or police; without nobles, kings, governors, prefects or judges; without prisons; without trials. All quarrels and disputes are decided by the whole body of those concerned—the gens, or the tribe, or the individual gentes among themselves. Blood revenge threatens only as an extreme and rarely applied measure, of which our capital punishment is only the civilized form, loaded with all the advantages and drawbacks of civilization. Although there are many more affairs in common than at present—the household is run in common and communistically by a group of families, the land is tribal property, only the gardens being temporarily assigned to the households—still, not a bit of our extensive and complicated machinery of administration is required. Those concerned decide, and in most cases century-old custom has already regulated everything. There can be no poor and needy members of the community—the gens and the communistic household know their duties towards the aged, the sick and those disabled in war. All are free and equal—including the women. There is as yet no room for slaves, nor, as a rule, for the subju-

gation of alien tribes. When the Iroquois conquered the Eries and the "Neutral Nation" about the year 1651, they invited them to join the Confederacy as equal members; only when the vanquished refused were they driven out of their territory. And the kind of men and women that are produced by such a society is best indicated by the admiration felt by all white men who came into contact with uncorrupted Indians; admiration of the personal dignity, straightforwardness, strength of character and bravery of these barbarians.

We have witnessed quite recently examples of this bravery in Africa. The Zulu Kaffirs a few years ago, like the Nubians a couple of months ago—in both of which tribes gentile institutions have not yet died out—did what no European army could do. Armed only with pikes and spears and without firearms, they advanced, under a hail of bullets from the breech-loaders, right up to the bayonets of the English infantry—universally acknowledged as the best in the world for fighting in close formation—throwing them into disorder and even beating them back more than once; and this, despite the colossal disparity in weapons and despite the fact that they have no such things as military service and do not know what military exercises mean. Their capacity and endurance are best proved by the complaint of the English that a Kaffir can move faster and cover a longer distance in twenty-four hours than a horse. As an English painter says, their smallest muscle stands out, hard and steely, like whipcord.

This is what mankind and human society were like before class divisions arose. And if we compare their status with that of the overwhelming majority of civilized people today, we will find an enormous gulf between the present-day proletarian and small peasant and the ancient free member of a gens.

This is one side of the picture. Let us not forget, however, that this organization was doomed to extinction. It never developed beyond the tribe; the confederacy of tribes already signified the commencement of its downfall, as we shall see later, and as the attempts of the Iroquois to subjugate others has shown. What was outside the tribe was outside the law. Where no express treaty of peace existed, war raged between tribe and tribe; and war was waged with the cruelty that distinguishes man from all other animals and which was abated only later in self-interest. The gentile constitution in full bloom, as we have seen it in America, presupposes an extremely undeveloped form of production, that is, an extremely sparse population spread over a wide territory, and therefore, the almost complete domination of strange and incomprehensible nature over man, a domination reflected in his childish religious ideas. The tribe remained the boundary for a man, in relation to him-

self as well as to outsiders. The tribe, the gens and their institutions were sacred and inviolable, a superior power instituted by nature, to which the individual remained absolutely subject in thought, word and deed. Impressive as the people of this epoch may appear to us, they differ in no way one from another, they are still bound, as Marx says, to the umbilical cord of primitive communistic society. The power of this primitive communistic society had to be broken, and it was broken. But it was broken by influences which from the outset appear to us as a degradation, a fall from the simple moral grandeur of the ancient gentile society. The lowest interests—base greed, brutal sensuality, sordid avarice, selfish plunder of common possessions—usher in the new civilized society, class society; the most disgraceful means—robbery, outrage, deceit and treachery—undermine and destroy the old classless gentile society. And the new society itself, during the 2,500 years of its existence, has been nothing but the development of the small minority at the expense of the great exploited and oppressed majority; and it is so today more than ever before.

CHAPTER FOUR

THE GRECIAN GENS

Greeks, Pelasgians and other peoples of the same tribal origin were constituted since prehistoric times in the same organic series as the Americans: gens, phratry, tribe, confederacy of tribes. The phratry might be missing, as, e.g., among the Dorians; the confederacy of tribes might not be fully developed in every case; but the gens was everywhere the unit. At the time the Greeks entered into history, they were on the threshold of civilization. Two full periods of development lie between the Greeks and the above-mentioned American tribes, the Greeks of the Heroic Age being by so much ahead of the Iroquois. For this reason the Grecian gens no longer bore the archaic character of the Iroquois gens; the stamp of group marriage was becoming considerably blurred. Mother-right had given way to father-right; thereby rising private wealth made the first breach in the gentile constitution. A second breach naturally followed the first: after the introduction of father-right, the fortune of a wealthy heiress would, by virtue of her marriage, fall to her husband, that is to say, to another gens; and so the foundation of all gentile law was broken, and in such cases the girl was not only permitted, but *obliged* to marry within the gens, in order that the latter might retain the fortune.

According to Grote's History of Greece, the Athenian gens in particular was held together by:

1. Common religious ceremonies, and exclusive privilege of priesthood, in honour of the same god, supposed to be the primitive ancestor of the gens, and characterized by a special surname.
2. A common burial place. (See Demosthenes' *Eubulides.*)
3. Mutual rights of inheritance.
4. Reciprocal obligations of help, defence and redress of injuries.
5. Mutual right and obligation to marry within the gens in certain cases, especially for orphaned daughters or heiresses.
6. Possession, in some cases, at least, of common property, an archon (magistrate) and treasurer of their own.

The phratry, binding together several gentes, was less intimate, but still included mutual rights and duties of an analogous character; especially a communion of particular religious rites and the right of prosecution in the event of a phrator being slain. Again, all the phratries of a tribe had certain periodical communion of sacred rites under the presidency of a magistrate called the phylo-basileus (tribal magistrate) selected from among the nobles (Eupatrids).

So far Grote. And Marx adds: "In the Grecian gens the savage (e.g., the Iroquois) is unmistakably discerned." He becomes still more unmistakable when we investigate somewhat further. For the Grecian gens has also the following attributes:

7. Descent according to father-right.

8. Prohibition of intermarrying in the gens except in the case of heiresses. This exception formulated as an obligation clearly proves the validity of the old rule. This follows also from the universally accepted rule that when a woman married she renounced the religious rites of her gens and acquired those of the gens of her husband, in whose phratry she was also enrolled. This, and a famous passage in Dikaearchos, go to prove that marriage outside of the gens was the rule. Becker in *Charicles* directly assumes that nobody was permitted to marry within his or her own gens.

9. The right to adopt strangers into the gens; it was practised by adoption into the family, but with public formalities, and limited to special cases.

10. The right to elect and depose the chiefs. We know that every gens had its archon; but nowhere is it stated that this office was hereditary in definite families. Until the end of barbarism, the probability is always against strict heredity, which would be totally incompatible with conditions where rich and poor had absolutely equal rights in the gens.

Not only Grote, but also Niebuhr, Mommsen and all other historians of classical antiquity were puzzled by the gens. Although they correctly noted many of its distinguishing features, nevertheless, they always regarded it as a *group of families* and thus prevented themselves from understanding the nature and origin of the gens. Under the gentile constitution, the family was never the unit of organization, nor could it be, for man and wife necessarily belonged to two different gentes. The gens as a whole belonged to the phratry, the phratry to the tribe; but in the case of the family, half belonged to the gens of the husband and half to that of the wife. Even the state does not recognize the family in public law; to this day it exists only in civil law. Nevertheless, written history so far takes as its point of departure the absurd assumption, which became inviolate in the eighteenth century, that the monogamous family, an

institution scarcely older than civilization, is the nucleus around which society and the state gradually crystallized.

"Mr. Grote will also please note," adds Marx, "that although the Greeks traced their gentes to mythology, the gentes are older than mythology with its gods and demi-gods, *which they themselves had created.*"

Grote is quoted with preference by Morgan as a prominent and quite trustworthy witness. He relates further that every Athenian gens had a name derived from its reputed ancestor; that before Solon's time and even after, if a man died intestate it was customary for the gentiles (gennêtes) to inherit his property; and that if a man was murdered, first his near relations, next his gennêtes, and finally the phrators had the right and duty to prosecute the criminal in the courts. "All that we hear of the most ancient Athenian laws is based upon the gentile and phratric divisions. . . ."*

The descent of the gentes from common ancestors has been a brain-racking puzzle to the "school-taught philistines" (*Marx*). Naturally, since they claim that this descent is purely mythical, they are at a loss to explain how the gentes developed out of parallel, originally totally unrelated families; but they must explain it somehow, if only to explain the existence of the gentes. So they circle round in a whirlpool of words and do not get beyond the phrase: the genealogy is indeed mythical, but the gens is real. And finally, Grote says—the parenthetical remarks are by Marx: "We hear of this genealogy but rarely, because it is only brought before the public in certain cases pre-eminent and venerable. But the humbler gentes had their common rites [rather peculiar, Mr. Grote!] and common superhuman ancestor and genealogy, as well as the more celebrated [how very peculiar this, Mr. Grote, in *humbler* gentes!]; the scheme and ideal basis [my dear sir! Not *ideal,* but carnal, Germanice *fleischlich*!] was the same in all."**

Marx sums up Morgan's reply to this as follows: "The system of consanguinity corresponding to the original form of the gens—which the Greeks once possessed like other mortals—preserved the knowledge of the mutual relation of all members of the gens. They learned this decisively important fact by practice from early childhood. With the advent of the monogamous family this dropped into oblivion. The gentile name created a genealogy compared with which that of the monogamous family seemed insignificant. The purpose of this name was now to remind its bearers of their common ancestry. But the genealogy of the gens went so far back that its members could no longer prove their mutual kinship,

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* Morgan, *Ancient Society,* p. 236.— *Ed. Eng. ed.*

** Quoted in *Ancient Society,* p. 239.—*Ed. Eng. ed.*

except in a limited number of cases of more recent common ancestors. The name itself was the proof of a common ancestry, and valid proof, except in cases of adoption. Actually to deny all kinship between gentiles à la Grote and Niebuhr, who transform the gens into a purely hypothetical and fictitious creation of the brain, is indeed worthy of 'ideal' scientists, that is, of bookworms. Because the relation of the generations, especially with the introduction of monogamy, is removed into the distance, and the reality of the past seems reflected in mythological phantasy, the brave old philistines concluded, and still conclude, that the imaginary genealogy created real gentes!"

As among the Americans, the *phratry* was a mother-gens, split up into several daughter gentes, and at the same time uniting them, often tracing them all to a common ancestor. According to Grote "All the contemporary members of the phratry of Hekataeus had a common god for their ancestor in the sixteenth degree." Thus, all the gentes of this phratry were literally brother gentes. The phratry is mentioned by Homer as a military unit in that famous passage where Nestor advises Agamemnon: "Separate the troops by tribes and by phratries ... so that phratry may support phratry, and tribes, tribes." The phratry also has the right and the duty to prosecute the murderer of a phrator, indicating that in former times it had the duty of blood revenge. Furthermore, it has common religious rites and festivals; for the development of the entire Grecian mythology from the traditional old Aryan cult of nature was essentially due to the gentes and phratries and took place within them. The phratry also had an official head (phratriarchos) and according to de Coulanges, assemblies which would make binding decisions, a tribunal and government. Even the state of a later period, while ignoring the gens, left certain public functions to the phratry.

A number of kindred phratries constituted a tribe. In Attica there were four tribes of three phratries each, each phratry consisting of thirty gentes. This accurate division of the groups reveals a conscious and planned interference with the natural arrangement. How, when and why this was done Grecian history does not disclose, for the Greeks themselves preserved memories that did not reach beyond the Heroic Age.

Closely packed in a comparatively small territory as the Greeks were, their differences in dialect were less conspicuous than those that developed in the extensive American forests. Nevertheless, even here we find only tribes of the same main dialect united in a larger organization; and even little Attica had its own dialect, which later on became the prevailing language in Grecian prose.

In the epics of Homer we generally find the Greek tribes already combined into small nations, within which, however, the gentes, phratries

and tribes still retained their full independence. They already lived in walled cities. The population increased with the growth of the herds, with field agriculture and the beginnings of the handicrafts. With this came increased differences in wealth, which gave rise to an aristocratic element within the old primitive democracy. The various little nations engaged in constant warfare for the possession of the best land and also for the sake of loot. The enslavement of prisoners of war was already a recognized practice.

The constitution of these tribes and little nations was as follows:

1. The permanent authority was the *council* (boulê), originally composed of the chiefs of the gentes, but later on, when their number became too large, recruited by selection, which created the opportunity to develop and strengthen the aristocratic element. Dionysius definitely speaks of the council at the time of the heroes as being composed of notables (kratistoi). The council had the final decision in all important matters. In Aeschylus, the council of Thebes passes an order that was binding in the given case, that the body of Eteocles be buried with full honours, and that the body of Polynices be thrown out to be devoured by the dogs. Later, with the rise of the state, this council was transformed into the senate.

2. The *assembly of the people* (agora). Among the Iroquois we saw that the people, men and women, attended the council meetings, taking an ordered part in the discussions and influencing its decisions. Among the Homeric Greeks, this "Umstand," to use an old German legal expression, had developed to a complete public assembly, as was also the case with the ancient Germans. The assembly was convened by the council to decide important matters; every man had the right to speak. The decision was made by a show of hands (Aeschylus in *The Suppliants*), or by acclamation. The decision of the meeting was supreme and final, for, as Schömann says in *Antiquities of Greece*, "whenever a matter is discussed that requires the co-operation of the people for its execution, Homer gives no indication of any means by which the people could be forced to it against their will." At this time, when every adult male member of the tribe was a warrior, there was as yet no public authority separated from the people that could be opposed to it. Primitive democracy was still in full bloom, and this must be the point of departure in judging the power and the status of the council and of the basileus.

3. The military commander (basileus). On this point, Marx makes the following comment: "The European savants, mostly born servants of princes, represent the basileus as a monarch in the modern sense. The Yankee republican Morgan objects to this. Very ironically, but truthfully, he says of the oily Gladstone and his 'Juventus Mundi':

'Mr. Gladstone, who presents to his readers the Grecian chiefs of the Heroic Age as kings and princes, with the superadded qualities of gentlemen, is forced to admit that, on the whole we seem to have the custom or law of primogeniture 'sufficiently but not oversharply defined.' "* As a matter of fact, Mr. Gladstone himself must have perceived that a system of primogeniture sufficiently but not oversharply defined is as good as none at all.

What the position as regards heredity was in the case of the sachems and chiefs among the Iroquois and other Indians we have already seen. In so far as all officials were elected mostly in the gens, to that extent, they were hereditary in the gens. A vacancy was filled preferably by the next gentile relative—the brother or the sister's son—unless good reasons existed for passing him over. The fact that in Greece, under father-right, the office of basileus was generally transmitted to the son, or one of the sons, only indicates that the probability of succession by public election was in favour of the sons; but it by no means implies legal succession without public election. Here we perceive, simply, among the Iroquois and Greeks, the first rudiments of special aristocratic families within the gentes, and among the Greeks also the first rudiments of the future hereditary chieftainship or monarchy. Hence the evidence supports the view that among the Greeks the basileus was either elected by the people or, at least, had to be confirmed by its recognized organ—the council, or agora—as was the case with the Roman "king" (rex).

In the *Iliad* the ruler of men, Agamemnon, appears, not as the supreme king of the Greeks, but as commander of a federal army before a besieged city. And when dissension broke out among the Greeks, it is to this quality that Odysseus points in the famous passage: the rule of many is not a good thing; let us have one rule, etc. (to which the popular passage about the sceptre was added later). "Odysseus is not here lecturing on the form of government, but is demanding obedience to the commander of the army in the field. For the Greeks, who appear before Troy only as an army, the proceedings of the agora are sufficiently democratic. When speaking of gifts, that is, the division of the spoils, Achilles always leaves the division, not to Agamemnon or to some other basileus, but to the 'sons of the Achaeans,' that is to say, the people. The attributes, 'descendant of Zeus,' 'bred by Zeus,' do not prove anything, because *every* gens is descended from some god, and the gens of the tribal chief from a 'prominent' god, in this case Zeus. Even bondsmen, such as the swineherd Eumaeos and others, are 'divine' (dioi or theioi), even in the *Odyssey*, which belongs to a much later period than the *Iliad*. In the same

* The passage Marx refers to is in Morgan, *Ancient Society*, p. 255.—*Ed. Eng. ed.*

Odyssey, the name of 'Heros' is given to the herald Mulios as well as to the blind bard Demodocus. In short, the word 'basileia,' which the Greek writers apply to Homer's so-called kingships (because military leadership is its distinguishing mark), side by side with the council and popular assembly, means merely—military democracy" (*Marx*).

Besides military functions, the basileus had also priestly and judicial functions; the latter are not quite specified, but the former was inherent in his office of chief representative of the tribe, or of the confederation of tribes. There is no reference anywhere to civil, administrative functions; but it seems that he was ex officio a member of the council. Etymologically, it is quite correct to translate "basileus" as "king," because king (kuning) is derived from Kuni, Künne, and signifies chief of a gens. But the modern meaning of the word king in no way defines the functions of the Grecian basileus. Thucydides expressly refers to the old basileia as patrikê, that is, "derived from the gens," and states that it had specified, that is, restricted functions. And Aristotle says that the basileia of the Heroic Age was the leadership of free men, and that the basileus was the military chief, judge and high priest. Hence, the basileus had no governmental power in a modern sense.*

Thus, in the Grecian constitution of the Heroic Age, we still find the old gentile system in full vitality; but we also see the beginning of its decay: father-right and the inheritance of property by the father's children, which favoured the accumulation of wealth in the family and gave the latter power as against the gens; the effect of differentiation in wealth on the constitution seen in the first rudiments of a hereditary nobility and monarchy; slavery, first limited to prisoners of war, but already paving the way to the enslavement of fellow members of the tribe and even of the gens; the degeneration of the old tribal warfare to systematic raids, on land and sea, for the purpose of capturing cattle, slaves, and treasure as a regular means of subsistence. In short, wealth is praised and respected as the highest treasure, and the old gentile institutions are spurned in order to justify forcible robbery of wealth. Only one thing was missing: an institution that would not only safeguard the newly acquired property of private individuals against the communistic tra-

* Like the Grecian basileus, the Aztec military chief has been wrongly presented as a prince in the modern sense. Morgan was the first to subject to historical criticism the reports of the Spaniards, who at first misunderstood and exaggerated, and later deliberately misrepresented the functions of this office, and showed that the Mexicans were in the middle stage of barbarism, but on a higher plane than the New Mexican Pueblo Indians, and that their constitution, so far as the garbled accounts enable us to judge, corresponded to this stage: a confederacy of three tribes, which had made a number of others tributary, and which was administered by a federal council and a federal military chief, whom the Spaniards described as an "emperor."—*F. E.*

ditions of the gens, would not only sanctify private property, formerly held in such slight esteem, and pronounce the protection of this sacred property as the highest purpose of human society, but would also stamp the gradually developing new forms of acquiring property, and consequently, of constantly increasing wealth, with the seal of public sanction; an institution that would perpetuate, not only the newly rising class division of society, but also the right of the possessing classes to exploit and rule the non-possessing classes.

And this institution arrived. The *state* was invented.

CHAPTER FIVE

THE RISE OF THE ATHENIAN STATE

The first act of the drama showing how the state gradually developed, how some of the organs of the gentile constitution were changed, some replaced by new organs, and, finally, all superseded by real state authorities—while the place of the actual "nation in arms" defending itself through its gentes, phratries and tribes was taken by an armed "public power" at the service of these state authorities and, therefore, also available against the mass of the people—all this can best be seen in ancient Athens. The changes outlined below are, in the main, described by Morgan, but the economic causes which gave rise to them I had largely to add myself.

In the Heroic Age, the four tribes of the Athenians were still installed in separate parts of Attica. Even the twelve phratries comprising them seem to have had separate seats in the twelve towns of Cecrops. The constitution was that of the Heroic Age: a public assembly, a council and a basileus. As far back as written history goes we find the land already divided up and transformed into private property, which corresponds with the fairly well developed state of commodity production and its concomitant trade towards the end of the higher stage of barbarism. In addition to cereals, wine and oil were cultivated. Commerce on the Aegean Sea passed more and more out of the hands of the Phoenicians into those of the Athenians. As a result of the purchase and sale of land and the continued division of labour between agriculture and handicrafts, trade and navigation, the members of gentes, phratries and tribes very soon intermingled. The districts of the phratry and the tribe received inhabitants who, although they were fellow countrymen, did not belong to these bodies and, therefore, were strangers in their own homes. For in time of peace, every phratry and every tribe administered its own affairs without consulting the council or the basileus in Athens. But inhabitants not belonging to the phratry or the tribe could not take part in the administration of these bodies.

Thus, the regulated functioning of the organs of the gentile constitution became so disturbed that a change was already needed in the Heroic Age. A constitution, attributed to Theseus, was introduced. The main feature of this change was the institution of a central administration in Athens, that is to say, part of the affairs that hitherto had been conducted independently by the tribes was declared to be common affairs and transferred to a general council sitting in Athens. Thereby, the Athenians went a step farther than any ever taken by the aborigines of America: the simple federation of neighbouring tribes was now supplanted by the coalescence of all the tribes into one nation. This gave rise to a common Athenian law, which stood above the legal traditions of the tribes and gentes. It bestowed on the citizens of Athens, as such, certain rights and additional legal protection even in tribal territory that was not their own. This, however, was the first step towards undermining the gentile constitution; for it was the first step towards the subsequent admission of citizens who were alien to all the Attic tribes and were and remained outside the pale of the Athenian gentile constitution. A second institution attributed to Theseus was the division of the entire nation, irrespective of gentes, phratries and tribes, into three classes: eupatrides or "well-born," geomoroi or "husbandmen," and demiurgi, or "artisans," and the granting to the well-born of the exclusive right to public office. True, apart from reserving to the well-born the right to hold public office, this division remained inoperative, as it created no other legal distinctions between the classes. It is important, however, because it reveals to us the new social elements that had quietly developed. It shows that the customary holding of office in the gens by certain families had already developed into a practically uncontested privilege; that these families, already powerful owing to their wealth, began to unite outside of their gentes into a privileged class; and that the nascent state sanctioned this usurpation. It shows, furthermore, that the division of labour between husbandmen and artisans had become strong enough to contest the supremacy of the old gentile and tribal division of society. And finally, it proclaimed the irreconcilable antagonism between gentile society and the state. The first attempt to form a state consisted in breaking up the gentes by dividing their members into a privileged and an inferior class, and the latter again into two vocational classes, setting one against the other.

The ensuing political history of Athens up to the time of Solon is only incompletely known. The office of basileus fell into disuse; archons, elected from among the aristocracy became the heads of the state. The rule of the aristocracy steadily increased until, round about 600 B.C., it became unbearable. The principal means for stifling the liberty of

the people were—money and usury. The aristocracy lived mainly in and around Athens, where sea commerce, with occasional piracy as a side line, enriched them and concentrated money wealth in their hands. From this point the developing money system penetrated like a corroding acid into the traditional life of the rural communities founded on natural economy. The gentile constitution is absolutely incompatible with the money system. The ruin of the Attic small allotment farmers coincided with the loosening of the old gentile bonds that protected them. Creditors' bills and mortgage bonds—for by then the Athenians had also invented mortgage—respected neither the gens nor the phratry. But the old gentile constitution knew nothing of money, credit and debt. Hence the constantly expanding money rule of the aristocracy also gave rise to a new common law, which protected the creditor against the debtor and sanctioned the exploitation of the small farmer by the money-owners. All the rural districts of Attica bristled with mortgage posts bearing the legend that the lot on which they stood was mortgaged to such and such for so much. The fields that were not so designated had for the most part been sold on account of expiring mortgages or non-payment of interest and had become the property of the aristocratic usurers; the farmer was glad if he was permitted to remain as a tenant and live on *one-sixth* of the product of his labour while paying *five-sixths* to his new master as rent. More than that: if the sum obtained from the sale of the lot did not cover the debt, or if such a debt was not secured by a pledge, the debtor had to sell his children into slavery abroad in order to satisfy the creditor's claim. The sale of the children by the father—such was the first fruit of father-right and monogamy! And if the bloodsucker was still unsatisfied, he could sell the debtor himself into slavery. Such was the pleasant dawn of civilization among the Athenian people.

Formerly, when the conditions of life of the people were in keeping with the gentile constitution, such a revolution would have been impossible; but here it had come about, nobody knew how. Let us return for a moment to the Iroquois. Among them a state of things like that which had now imposed itself on the Athenians without their own doing, so to say, and certainly against their will, was inconceivable. There the mode of production, which, year in and year out, remained unchanged, could never give rise to such conflicts, imposed from without, as it were; to antagonism between rich and poor, between exploiters and exploited. The Iroquois were still far removed from controlling the forces of nature; but within the limits set for them by nature they were masters of their production. Apart from bad harvests in their little gardens, the exhaustion of the fish supply in their lakes and rivers, or of game in their forests, they always knew what the outcome would be of their mode of

gaining a livelihood. The outcome would be: means of sustenance, meagre or abundant; but it could never be unpremeditated social upheavals, the breaking of gentile bonds, or the splitting of the members of gentes and tribes into antagonistic classes. Production was carried on within the most restricted limits, but—the producers owned what they produced. This was the immense advantage of barbarian production that was lost in the transition to civilization; and to win it back on the basis of the enormous control man now exercises over the forces of nature, and of the free association that is now possible, will be the task of the next generations.

Not so among the Greeks. The advent of private property in herds of cattle and articles of luxury led to exchange between individuals, to the transformation of products into *commodities*. Here lies the root of the entire revolution that followed. When the producers no longer directly consumed their product, but let it go out of their hands in the course of exchange, they lost control over it. They no longer knew what became of it, and the possibility arose that the product might be turned against the producers, used as a means of exploiting and oppressing them. Hence, no society can for any length of time remain master of its own production and continue to control the social effects of the process of production, unless it abolishes exchange between individuals.

The Athenians were soon to learn, however, that after individual exchange is established and products are converted into commodities, the product manifests its rule over the producer. With the production of commodities came the tilling of the soil by individual cultivators for their own account, soon followed by individual ownership of the land. Then came money, that universal commodity for which all others can be exchanged. But when men invented money they little suspected that they were creating a new social power, the one universal power to which the whole of society must bow. It was the rule of this new power, suddenly sprung into existence without the will and intention of its own creators, that the Athenians felt in all the brutality of its youth.

What was to be done? The old gentile organization had not only proved impotent against the triumphant march of money; it was also absolutely incapable of providing a place within its confines for such things as money, creditors, debtors and the forcible collection of debts. But the new social power was there, and neither pious wishes nor a longing for the return of the good old times could drive money and usury out of the world. Moreover, a number of other, minor breaches had been made in the gentile constitution. The indiscriminate mingling of the gentiles and phrators throughout the whole of Attica, and especially in Athens, assumed larger proportions from generation to generation, in

spite of the fact that a citizen of Athens, while allowed to sell his plot of land out of his gens, was still prohibited from selling his house. The division of labour between the different branches of production—agriculture, handicraft, numerous crafts within the various handicrafts, trade, navigation, etc.—had developed more fully with the progress of industry and commerce. The population was now divided according to occupation into rather well defined groups, each of which had a number of new, common interests that found no place in the gens or phratry and, therefore, necessitated the creation of new offices. The number of slaves had increased considerably and must have far exceeded that of the free Athenians even at this early stage. Gentile society originally knew no slavery and was, therefore, ignorant of any means of holding this mass of bondsmen in check. And finally, commerce had attracted a great many strangers who settled in Athens for the sake of the easier means of making money it afforded, and according to the old constitution these strangers had neither civil rights nor the protection of the law. In spite of traditional toleration, they remained a disturbing and foreign element.

In short, the gentile constitution was coming to an end. Society was daily growing more and more out of it; it was powerless to check or allay even the most distressing evils that were arising under its very eyes. In the meantime, however, the state had quietly developed. The new groups formed by division of labour, first between town and country, then between the various branches of urban industry, had created new organs to protect their interests. Public offices of every description were instituted. Above all, the young state needed its own fighting forces, which among the seafaring Athenians could at first be only naval forces, to be used for occasional small expeditions and to protect merchant vessels. At some uncertain time before Solon, the naucraries were instituted, small territorial districts, twelve in each tribe. Every naucrary had to furnish, equip and man a war vessel and in addition, detail two horsemen. This arrangement was a twofold attack on the gentile constitution. Firstly, it created a public power which was no longer identical with the armed nation; secondly, it for the first time divided the people for public purposes, not according to kinship groups, but according to *common domicile*. We shall soon see what this signified.

As the gentile constitution could not come to the assistance of the exploited people, they could look only to the rising state. And the state brought help in the form of the constitution of Solon, while at the same time strengthening itself at the expense of the old constitution. Solon—the manner in which his reforms of 594 B.C. were brought about does not concern us here—started the series of so-called political revolutions by an encroachment on property. All revolutions until now have been

revolutions for the protection of one kind of property against another kind of property. They cannot protect one kind without violating another. In the Great French Revolution feudal property was sacrificed in order to save bourgeois property; in Solon's revolution, creditors' property had to suffer for the benefit of debtors' property. The debts were simply annulled. We are not acquainted with the exact details, but Solon boasts in his poems that he removed the mortgage posts from the encumbered lands and enabled all who had fled or had been sold abroad for debt to return home. This could have been done only by openly violating property. And indeed, the object of all so-called political revolutions was to protect *one kind* of property—by confiscating, also called stealing—*another kind* of property. It is absolutely true that for 2,500 years private property could be protected only by violating property.

But now a way had to be found to prevent this re-enslavement of the free Athenians. This was first achieved by general measures, e.g., the prohibition of contracts which involved the personal liberty of the debtor. Furthermore, a maximum was fixed for the amount of land any one individual could own, in order to put some curb, at least, on the craving of the aristocracy for the peasants' land. Then followed constitutional amendments, of which the most important for us are the following:

The council was increased to four hundred members, one hundred from each tribe. Here, then, the tribe still served as a basis. But this was the only side of the old constitution that was incorporated in the new body politic. For the rest, Solon divided the citizens into four classes, according to the amount of land owned and its yield. Five hundred, three hundred and one hundred and fifty medimnoi of grain (1 medimnos equals 1.16 bushels) were the minimum yields for the first three classes; whoever had less land or none at all belonged to the fourth class. Only members of the first three classes could hold office; the highest offices were filled by the first class. The fourth class only had the right to speak and vote in the public assembly. But here all officials were elected, here they had to give account of their actions, here all the laws were made, and here the fourth class was in the majority. The aristocratic privileges were partly renewed in the form of privileges of wealth, but the people retained the decisive power. The four classes also formed the basis for the reorganization of the fighting forces. The first two classes furnished the cavalry; the third had to serve as heavy-armed infantry; the fourth served as light-armed infantry, or in the navy, and probably were paid.

Thus, an entirely new element was introduced into the constitution: private ownership. The rights and duties of the citizens were graduated according to the amount of land they owned; and as the propertied classes

gained influence the old consanguine groups were driven into the background. The gentile constitution suffered another defeat.

The gradation of political rights according to property, however, was not an indispensable institution for the state. Important as it may have been in the constitutional history of states, nevertheless, a good many states, and the most completely developed at that, did without it. Even in Athens it played only a transient role. Since the time of Aristides, all offices were open to all the citizens.

During the next eighty years Athenian society gradually took the course on which it further developed in subsequent centuries. Land speculation, rampant in the pre-Solon period, was checked, as also was the unlimited concentration of landed property. Commerce, handicraft and the useful arts, conducted on an increasing scale as slave labour increased, became the predominating branches of industry. Public enlightenment advanced. Instead of exploiting their own fellow citizens in the old brutal manner, the Athenians now exploited mainly the slaves and outside clients. Movable property, wealth in money, slaves and ships, increased more and more; but instead of being simply a means for purchasing land, as in the old stupid times, it became an end in itself. This, on the one hand, gave rise to the successful competition of the new, wealthy industrial and commercial class with the aristocracy, but on the other hand it deprived the old gentile constitution of its last foothold. The gentes, phratries and tribes, whose members were now scattered all over Attica and completely intermingled, thus became entirely useless as political bodies. A large number of citizens of Athens did not belong to any gens; they were immigrants who had been adopted into citizenship, but not into any of the old consanguine groups. Besides, there was a steadily increasing number of foreign immigrants who only enjoyed legal protection.

Meanwhile, the struggles of the parties proceeded. The aristocracy tried to regain their former privileges and for a short time recovered their supremacy, until the revolution of Cleisthenes (509 B.C.) brought about their final downfall; and with them fell the last remnants of the gentile constitution.

In his new constitution, Cleisthenes ignored the four old tribes based on the gentes and phratries. Their place was taken by an entirely new organization based exclusively on the division of the citizens according to place of domicile, already attempted in the naucraries. Not membership of a consanguine group, but place of domicile was now the deciding factor. Not people, but territory was now divided; politically, the inhabitants became mere attachments of the territory.

The whole of Attica was divided into one hundred self-governing

townships, or demes. The citizens of a deme (demots) elected their official head (demarch), treasurer and thirty judges with jurisdiction in minor cases. They also received their own temple and a divine guardian or heros, whose priest they elected. The supreme power in the deme was the assembly of the demots. This, as Morgan correctly remarks, is the prototype of the self-governing American township. The modern state in its highest development has arrived at the very unit with which the rising state in Athens started out.

Ten of these units (demes) formed a tribe, which, however, as distinct from the old gentile system, was now called a local tribe. The local tribe was not only a self-governing political body, but also a military body. It elected a phylarch or tribal head who commanded the cavalry, the taxiarch who commanded the infantry, and the strategos who was in command of the entire contingent raised in the tribal territory. Furthermore, it furnished five war vessels with crews and commander; and it received an Attic hero, by whose name it was known, as its guardian deity. Finally, it elected fifty councillors to the council of Athens.

Thus, we arrive at the Athenian state, governed by a council of five hundred—elected by the ten tribes—and, in the last instance, by the popular assembly, which every Athenian citizen could attend and vote at. Archons and other officials attended to the different departments of administration and justice. In Athens there was no supreme official representing the executive power.

By this new constitution and by the admission of a large number of tolerated citizens, partly immigrants and partly freed slaves, the organs of the gentile constitution were eliminated from public affairs. They sank to the position of private associations and religious societies. But their moral influence, the traditional conceptions and views of the old gentile period, survived for a long time and expired only gradually. This was evident in another state institution.

We have seen that an essential feature of the state is a public power divorced from the mass of the people. At that time Athens possessed only a militia and a navy equipped and manned directly by the people. These afforded protection against external enemies and held the slaves in check, who at that time already constituted the great majority of the population. For the citizens, this public power at first only existed in the shape of the police force, which is as old as the state, and that is why the naive Frenchmen of the eighteenth century spoke, not of civilized, but of policed nations (nations policées). Thus, simultaneously with their state, the Athenians established a police force, a veritable gendarmerie of foot and mounted bowmen—Landjäger, as they say in South Germany and Switzerland. This gendarmerie consisted—of *slaves*.

The free Athenian regarded this police duty as being so degrading that he preferred being arrested by an armed slave rather than perform such ignominious duties himself. This was still an expression of the old gentile mentality. The state could not exist without a police force, but it was still young and did not yet command sufficient moral respect to give prestige to an occupation that necessarily appeared infamous to the old gentiles.

How well this state, now completed in its main outlines, suited the social condition of the Athenians was apparent from the rapid growth of wealth, commerce and industry. The class antagonisms on which the social and political institutions rested were no longer those between the aristocracy and the common people, but those between slaves and freemen, tolerated aliens and citizens. When Athens was at the height of prosperity the total number of free Athenian citizens, women and children included, amounted to about 90,000; the slaves of both sexes numbered 365,000, and the tolerated aliens—immigrants and freed slaves—45,000. Thus, for every adult male citizen there were at least eighteen slaves and more than two tolerated aliens. The large number of slaves is explained by the fact that many of them worked together in large workshops under overseers. With the development of commerce and industry came the accumulation and concentration of wealth in a few hands; the mass of the free citizens were impoverished and had to choose between going into handicrafts and competing with slave labour, which was considered ignoble and vile, and, moreover, promised little success, or still further degradation. Under the prevailing circumstances they necessarily chose the latter, and being in the majority they dragged the whole Athenian state down with them. It was not democracy that caused the downfall of Athens, as the European schoolmasters who cringe before royalty would have us believe, but slavery, which brought the labour of the free citizen into contempt.

The rise of the state among the Athenians presents a very typical example of state-building; on the one hand, it took place in a pure form, without the interference of violent external or internal influences—the short period of usurpation by Pisistratus left no trace behind it; on the other hand, it represented the rise of a highly developed form of state, the democratic republic, out of gentile society; and lastly, we are sufficiently acquainted with all the essential details of the process.

CHAPTER SIX

THE GENS AND THE STATE IN ROME

According to the myth about the foundation of Rome, the first colonization was undertaken by a number of Latin gentes (one hundred, the legend says) united into one tribe. A Sabellian tribe (also said to consist of one hundred gentes) soon followed, and finally a third tribe of various elements, but again numbering one hundred gentes, joined them. The whole story reveals at the very first glance that here little more than the gens was the natural product, and that the gens itself, in certain cases, was only an offshoot of an old mother gens still existing in the old habitat. The tribes bear the mark of having been artificially constituted; nevertheless, they consisted mostly of kindred elements and were formed on the model of the old, natural, not artificially constituted tribe; and it is not improbable that a genuine old tribe formed the nucleus of each of these three tribes. The connecting link, the phratry, contained ten gentes and was called the curia. Hence, there were thirty curiae.

That the Roman gens is an institution identical with the Grecian gens is a recognized fact; if the Grecian gens is a continuation of the social unit, the primitive form of which was presented by the American Indians, then the same, naturally, holds good for the Roman gens. Hence, we can be more brief in its treatment.

At least during the earliest times of the city, the Roman gens had the following constitution:

1. Mutual right of succession to the property of deceased gentiles; the property remained in the gens. As father-right was already in force in the Roman gens, as it was in the Grecian gens, the offspring of female lineage were excluded. According to the law of the Twelve Tables, the oldest written law of Rome known to us, the natural children had the first title to the estate; in case no natural children existed, the agnates (kin of male lineage) took their place; and last in line came the gentiles. In all cases the property remained in the gens. Here we observe the gradual introduction into gentile practice of new legal provisions, caused

by increased wealth and monogamy. The originally equal right of inheritance of the gentiles was first limited in practice to the agnates, probably at a very remote date as mentioned above, and afterwards to the natural children and their offspring in the male line: of course in the Twelve Tables, this appears in inverse order.

2. Possession of a common burial place. The patrician gens of Claudius, on immigrating into Rome from Regilli, received land and also a burial place in the city. Even under Augustus, the head of Varus, who had been killed in the Teutoburg Forest, was brought to Rome and interred in the gentilitius tumulus; hence, his gens (Quinctilia) still had its own tomb.

3. Common religious rites. These, the sacra gentilitia, are well known.

4. Obligation not to marry in the gens. In Rome this does not appear to have become a written law, but the custom remained. Of the innumerable names of Roman couples that have come down to our day there is not a single case where husband and wife have the same gentile name. The law of inheritance also proves this rule. A woman by her marriage forfeited her agnatic rights, left her gens, and neither she nor her children could inherit her father's property, or that of his brothers, for otherwise the father's gens would lose the property. This rule has a meaning only on the assumption that the woman was not permitted to marry a member of her own gens.

5. Possession of land in common. In primeval times this always obtained when the tribal territory was first divided. Among the Latin tribes we find the land partly in the possession of the tribe, partly of the gens, and partly of households that could hardly have represented single families at such an early date. Romulus is credited with being the first to assign land to single individuals, about two and a half acres (two jugera) to each man. Nevertheless, even later, we still find land in the hands of the gentes, not to mention state lands, around which the whole internal history of the republic turned.

6. Reciprocal obligation of members of the gens of help, defence and redress of injuries. Written history records only remnants of this law; from the outset the Roman state manifested such superior power, that the duty of redress of injury devolved upon it. When Appius Claudius was arrested, his whole gens, including his personal enemies, put on mourning. At the time of the second Punic war the gentes united to ransom their fellow gentiles who were in captivity, but were *forbidden* to do this by the senate.

7. Right to bear the gentile name. This was in force until the time of the emperors. Freed slaves were permitted to assume the gentile names

of their former masters, although they did not thereby acquire gentile rights.

8. Right of adopting strangers into the gens. This was done by adoption into the family (as among the Indians) which brought with it adoption into the gens.

9. The right to elect and depose chiefs is nowhere mentioned. Inasmuch, however, as during the first period of Rome's existence all offices, from the elected king downward, were filled by election or nomination, and as the curiae elected also their own priests, we are justified in assuming that the same existed in regard to the gentile chiefs (principes)—no matter how well established the rule of choosing the candidates from the same family may have been already.

Such were the rights and duties of a Roman gens. With the exception of the complete transition to father-right, they are the true image of the rights and duties of an Iroquois gens. Here, too, "the Iroquois is plainly discerned."

The confusion that still reigns even among our recognized historians on the question of the Roman gens is shown by the following example: In his treatise on Roman family names of the Republican and Augustinian era (*Römische Forschungen*,* Berlin, 1864, Vol. I), Mommsen writes: "The gentile name is not only borne by all male gentiles, including adopted persons and wards, except, of course, the slaves, but also by the women.... The tribe (so Mommsen translates gens) is a community resulting from a common—actual, assumed or even invented—ancestor and united by common rites, burial places and inheritance. All free individuals, hence women also, may and must be registered in them. But the definition of the gentile name of the married woman offers some difficulty. This indeed is obviated as long as women were prohibited from marrying any one but members of their own gens; and evidently, for a long time the women found it much more difficult to marry outside the gens than in it. This right of marrying outside, the gentis enuptio, was still bestowed as a personal privilege and reward during the sixth century.... But wherever such outside marriages occurred in primeval times, the woman must have been transferred to the tribe of her husband. Nothing is more certain than that by the old religious marriage the woman joined the legal and sacramental community of her husband and left her own. Who does not know that the married woman forfeits her active and passive right of inheritance in respect to her gentiles, but enters the inheritance group of her husband, her children and his gentiles? And if her husband adopts her, as it were, and brings her into his family, how can she remain separated from his gens?" (Pages 9-11.)

* *Roman Researches.—Ed. Eng. ed.*

Thus, Mommsen asserts that the Roman women belonging to a certain gens were originally free to marry only *within* their gens; according to him, the Roman gens, therefore, was endogamous, not exogamous. This opinion, which contradicts the experience of all other nations, is principally, if not exclusively, based on a single much disputed passage of Livy (Book XXXIX, c. 19) according to which the senate decreed in the year 568 of the city, i. e., 186 B.C., uti Feceniae Hispallae datio, deminutio gentis enuptio, tutoris optio item esset quasi ei vir testamento dedisset; utique ei ingenuo nubere liceret, neu quid ei qui eam duxisset, ob id fraudi ignominiaeve esset—that Fecenia Hispalla shall have the right to dispose of her property, to diminish it, to marry outside of the gens, to choose a guardian, just as if her (deceased) husband had conferred this right on her by testament; that she shall be permitted to marry a freeman and that for the man who marries her this shall not constitute a misdemeanour or disgrace.

Undoubtedly, Fecenia, a freed slave, here obtains permission to marry outside of the gens. And it is equally doubtless that the husband has the right to confer on his wife by testament the right to marry outside of the gens after his death. But outside of *which* gens?

If a woman had to marry in her gens, as Mommsen assumes, then she remained in this gens after her marriage. In the first place, however, this assertion that the gens was endogamous must be proved. In the second place, if the woman had to marry in the gens, then naturally the man had to do the same, otherwise he could never obtain a wife. Thus, we arrive at the conclusion that the man could by testament confer on his wife a right which he did not possess himself, which brings us to a legal absurdity. Mommsen realizes this, and therefore adds: "marriage outside of the gens most probably required not only the consent of the testator, but of all members of the gens." (Page 10, footnote.) Firstly, this is a very bold assertion; and secondly, it contradicts the clear wording of the passage. The senate gives her this right as her *husband's proxy;* it expressly gives her no more and no less than her husband could have given her; but what it does give is an *absolute* right, free from all restriction, so that, if she should make use of it, her new husband shall not suffer in consequence. The senate even instructs the present and future consuls and praetors to see that she suffers no inconvenience from the use of this right. Mommsen's assumption, therefore, appears to be absolutely inadmissible.

Then again: suppose a woman married a man from another gens, but remained in her own gens. According to the passage quoted above, her husband would then have the right to permit his wife to marry outside of her own gens. That is, he would have the right to make provisions

in regard to the affairs of a gens to which he did not belong at all. The thing is so utterly unreasonable that we need say no more about it.

Nothing remains but to assume that in her first marriage the woman wedded a man from another gens and thereby became a member of her husband's gens, which Mommsen himself admits for such cases. Then the whole matter at once explains itself. The woman, torn from her old gens by her marriage, and adopted into her husband's gentile group, occupies a special position in the new gens. She is now a gentile, but not a kin by blood; the manner in which she was adopted excludes from the outset all prohibition of marrying in the gens into which she has entered by marriage. She has been adopted into the marriage group of the gens and on the death of her husband inherits some of his property, that is to say, the property of a fellow member of the gens. What is more natural than that this property should remain in the gens and that she should be obliged to marry a member of her husband's gens and no other? If, however, an exception is to be made, who is more competent to authorize this than the man who bequeathed this property to her, her first husband? At the time he bequeathed a part of his property to her and simultaneously gave her permission to transfer this property to another gens by marriage, or as a result of marriage, he was still the owner of this property; hence he was literally disposing of his own property. As for the woman and her relation to her husband's gens, it was the husband who, by an act of his own free will—the marriage—introduced her into his gens. Thus, it appears quite natural that he should be the proper person to authorize her to leave this gens by another marriage. In short, the matter appears simple and obvious as soon as we discard the strange conception of an endogamous Roman gens and, with Morgan, regard it as having been originally an exogamous gens.

Finally, there is still another view, which has probably found the largest number of advocates, viz., that the passage in Livy only means "that freed slave girls (libertae) cannot, without special permission, e gente enubere (marry outside of the gens), or take any step which, being connected with capitis deminutio minima would cause the liberta to leave the gentile group." (Lange, *Römische Altertümer*,* Berlin, 1856, I. p. 195, where the passage we have taken from Livy is explained by a reference to Huschke.) If this view is correct, then the passage proves still less as regards the status of free Roman women, and there is so much less ground for speaking of their obligation to marry in the gens.

The expression enuptio gentis occurs only in this single passage and is not found anywhere else in the entire Roman literature. The word

* *Roman Antiquities.—Ed. Eng. ed.*

enubere, to marry outside, is found only three times in Livy, and even then it has no reference to the gens. The phantastic idea that Roman women were obliged to marry only in their gens owes its existence solely to this single passage. But it cannot be sustained; for either the passage refers to special restrictions for freed slave women, in which case it proves nothing for free born women (ingenuae); or it applies also to free born women, in which case it rather proves that the women as a rule married outside of the gens and were by their marriage transferred to their husbands' gens. Thus it proves that Morgan is right and Mommsen wrong.

Three hundred years after the foundation of Rome the gentile bonds were still so strong that a patrician gens, the Fabians, could obtain permission from the senate to undertake by itself an expedition against the neighbouring town of Veii. Three hundred and six Fabians are said to have marched out and to have been killed in an ambuscade. Only one boy was left behind to propagate the gens.

As we have said, ten gentes formed a phratry, which here was called a curia, and was endowed with more important functions than the Grecian phratry. Every curia had its own religious rites, sacred relics and priests. The latter in a body formed one of the Roman colleges of priests. Ten curiae formed a tribe, which probably had originally its own elected chief—leader in war and high priest—like the rest of the Latin tribes. The three tribes together formed the populus Romanus, the Roman people.

Thus, only those could belong to the Roman people who were members of a Roman gens, and hence, of a curia and tribe. The first constitution of the Roman people was as follows. Public affairs were conducted by the senate composed, as Niebuhr was the first to state correctly, of the chiefs of the three hundred gentes; as the elders of the gentes they were called patres, fathers, and as a body senatus (council of elders, from senex, old). Here also the customary choice of men from the same family of the gens brought into being the first hereditary aristocracy. These families called themselves patricians and claimed the exclusive right to the seats in the senate and to all other offices. The fact that in the course of time the people admitted this claim so that it became an actual right is expressed in the legend that Romulus bestowed the rank of patrician and its privileges on the first senators and their descendants. The senate, like the Athenian boulê, had power to decide in many affairs and to undertake the preliminary discussion of more important measures, especially of new laws. These were decided by the popular assembly, the so-called comitia curiata (assembly of curiae). The people met in curiae, probably grouped by gentes, and in deciding questions, each of the thirty curiae had one vote. The assembly of curiae adopted or rejected

the laws, elected all higher officials including the rex (so-called king), declared war (but the senate concluded peace), and decided as a supreme court, on appeal, all cases involving capital punishment for Roman citizens. Finally, by the side of the senate and the popular assembly stood the rex, corresponding exactly to the Grecian basileus, and by no means such an almost absolute monarch as Mommsen represents him to be.* The rex was also military commander, high priest and president of certain courts. He had no civil functions, or any power over life, liberty and property of the citizens, except such as resulted from his disciplinary power as military commander, or from his power to pass sentence as president of a court. The office of rex was not hereditary; on the contrary, he was first elected, probably on the nomination of his predecessor, by the assembly of curiae and then solemnly invested by a second assembly. That he could also be deposed is proved by the fate of Tarquinius Superbus.

Like the Greeks in the Heroic Age, the Romans at the time of the so-called kings lived in a military democracy based on gentes, phratries and tribes, from which it developed. Even though the curiae and tribes may have been partly artificial formations, they were moulded after the genuine and natural models of the society in which they originated and which still surrounded them. And though the natural patrician aristocracy had already gained ground, though the reges attempted gradually to enlarge the scope of their functions—this does not change the original and fundamental character of the constitution, and this is the whole point.

Meanwhile, the population of the city of Rome and of the Roman territory, enlarged by conquest, increased, partly by immigration, partly through the inhabitants of the annexed, mostly Latin, districts. All these new citizens (we leave out the question of the clients for the moment) were outside of the old gentes, curiae and tribes, and so were not part of the populus Romanus, the Roman people proper. They were personally free, could own land, had to pay taxes and were liable to military service. But they were not eligible for office and could neither participate in the assembly of curiae nor in the distribution of conquered state lands. They

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* The Latin rex is equivalent to the Celtic-Irish righ (tribal chief) and the Gothic reiks. That this, like the German Fürst, (English first and Danish förste), originally signified gentile or tribal chief is evident from the fact that the Goths in the fourth century already had a special term for the king of later times, the military chief of a whole nation, viz, thiudans. In Ulfila's translation of the Bible Artaxerxes and Herod are never called reiks, but thiudans, and the empire of the Emperor Tiberius not reiki, but thiudinassus. In the name of the Gothic thiudans, or king, as we inaccurately translate it, Thiudareiks (Theodoric, German Dietrich), both names flow together.—*F. E.*

constituted the plebeians, those excluded from all public rights. Owing to their continually increasing numbers, their military training and armament, they became a menace to the old populus who had now closed their ranks hermetically against all new elements. The land, moreover, seems to have been fairly evenly divided between populus and plebeians, while the mercantile and industrial wealth, though as yet not very considerable, may have been mainly in the hands of the plebeians.

In view of the utter darkness that enshrouds the whole legendary origin of Rome's historical beginning—a darkness intensified by the rationalistic and pragmatic interpretations and reports of later legally trained authors who wrote on the subject—it is impossible to make any definite statements about the time, the course and the motive of the revolution that put an end to the old gentile constitution. The only thing we are certain of is that its causes lay in the conflicts between the plebeians and the populus.

The new constitution attributed to rex Servius Tullius and based on the Grecian model, more especially that of Solon, created a new popular assembly including or excluding all, populus and plebs alike, according to whether they rendered military service or not. The whole male population that was liable to military service was divided into six classes according to wealth. The property qualifications in the five classes were: I, 100,000 asses; II, 75,000 asses; III, 50,000 asses; IV, 25,000 asses; V, 11,000 asses; which according to Dureau de la Malle is equal to about 14,000, 10,500, 7,000, 3,600 and 1,570 marks respectively. The sixth class, the proletarians, consisted of those who possessed less and were exempt from military service and taxation. In the new assembly of centuriae (comitia centuriata) the citizens formed ranks after the manner of soldiers, in companies of one hundred (centuria), and each centuria had one vote. The first class placed 80 centuriae in the field; the second 22, the third 20, the fourth 22, the fifth 30 and the sixth, for propriety's sake, one. To these were added 18 centuriae of horsemen composed of the most wealthy. Hence, there were 193 centuriae. Thus, for a majority, 97 votes were required. But the horsemen and the first class alone had together 98 votes, thus being in the majority; when they were united valid decisions could be made without the consent of the other classes.

This new assembly of centuriae assumed all the political rights of the former assembly of curiae (a few nominal privileges excepted); the curiae and the gentes composing them were thereby, as was the case in Athens, degraded to the position of private and religious associations and as such they vegetated for a long time, while the assembly of curiae soon fell into oblivion. In order to eliminate the three old tribes also from the state, a system of four territorial tribes was introduced, each

tribe being assigned to a quarter of the city and receiving certain political rights.

Thus, in Rome also, the old social order based on personal ties of blood kinship was destroyed even before the abolition of the so-called kingship, and a new constitution, based on territorial division and distinction of wealth, a real state constitution, took its place. The public power here consisted of citizens liable to military service, to be used not only against the slaves, but also against the so-called proletarians, who were excluded from military service and the right to carry arms.

After the expulsion of the last rex, Tarquinius Superbus, who had really usurped royal power, the new constitution was further developed by the institution, in place of the rex, of two military commanders (consuls) with equal powers (as among the Iroquois). Within this constitution moves the whole history of the Roman republic; all its struggles between patricians and plebeians for admission to office and participation in the allotment of state lands; and the final dissolution of the patrician aristocracy in the new class of big land and money-owners—who gradually absorbed all the land of the small farmers who had been ruined by military service, cultivated the enormous new tracts thus created with the aid of slaves, depopulated Italy, and thus opened the gates not only to the imperial tyrants, but also to their successors, the German barbarians.

CHAPTER SEVEN

THE GENS AMONG CELTS AND GERMANS

Space prevents us from going into the gentile institutions still found in a more or less pure form among the most diverse savage and barbarian peoples of the present day; or into the traces of such institutions found in the ancient history of civilized nations in Asia. One or the other is met with everywhere. A few illustrations may suffice: Even before the gens had been recognized it was pointed out and accurately described in its main outlines by the man who took the greatest pains to misunderstand it, McLennan, who wrote of this institution among the Kalmucks, the Circassians, the Samoyeds and three Indian nations: the Waralis, the Magars and the Munnieporees. Recently it was described by M. Kovalevsky, who discovered it among the Pshavs, Khevsurs, Svanetis and other Caucasian tribes. Here we will confine ourselves to a few brief notes on the existence of the gens among Celts and Germans.

The oldest Celtic laws that have come down to our day show the gens in full vitality. In Ireland it is alive, at least instinctively, in the popular mind to this day, after the English have forcibly destroyed it. It was in full bloom in Scotland until the middle of the eighteenth century, and here, too, it succumbed only to the arms, laws and courts of the English.

The old Welsh laws, written several centuries before the English conquest, not later than the eleventh century, still show communal agriculture of whole villages, although only as exceptions and as the survival of a former universal custom. Every family had five acres for its own cultivation; another plot was at the same time cultivated in common and its yield divided among the different families. Judging by the Irish and Scotch analogies there cannot be any doubt that these village communities represent gentes or subdivisions of gentes, even though a re-investigation of the Welsh laws, which I cannot undertake for lack of time (my notes are from 1869), should not directly corroborate this. The thing, however, that the Welsh sources, and the Irish, do prove conclusively

is that among the Celts the pairing family had not yet given way to monogamy in the eleventh century. In Wales, marriage did not become indissoluble by divorce, or rather by notification, until after seven years. Even if only three nights were wanting to make up the seven years, a married couple could still separate. Then their property was divided between them: the woman divided, the man made his choice. The furniture was divided according to certain very funny rules. If the marriage was dissolved by the man, he had to return the woman's dowry and a few other articles; if the woman desired a separation, she received less. Of three children the man took two, the woman one, viz., the second child. If the woman married again after her divorce, and her first husband claimed her back, she was obliged to follow him, even if she already had *one* foot in her new husband's bed. But if two people had lived together for seven years, they were considered man and wife, even without the preliminaries of a formal marriage. Chastity among girls before marriage was by no means strictly observed, nor was it demanded; the regulations governing this subject are of an extremely frivolous nature and run counter to all bourgeois morals. When a woman committed adultery, her husband had a right to beat her—this was one of three cases when he could do so without incurring a penalty—but after that he could not demand any other redress, for "the same offence shall either be atoned for or avenged, but not both." The reasons that entitled a woman to a divorce without losing her separation rights were of a very diverse nature: the man's foul breath was a sufficient reason. The redemption money to be paid to the tribal chief or king for the right of the first night (gobr merch, hence the medieval name marcheta, French marquette) plays a conspicuous part in the legal code. The women had the right to vote at the popular assemblies. Add to this that similar conditions are shown to have existed in Ireland; that time marriages were also quite the custom there, and that the women were assured of liberal and well defined privileges in case of divorce, even to the point of remuneration for domestic services; that a "first wife" existed by the side of others, and in dividing a deceased parent's property no distinction was made between legitimate and illegitimate children—and we have a picture of the pairing family compared with which the marriage laws valid in North America seem strict; but this is not surprising in the eleventh century for a people who in Caesar's time were still living in group marriage.

The Irish gens (sept; the tribe was called clainne, clan) is confirmed and described not only by the ancient law books, but also by the English jurists of the seventeenth century who were sent across for the purpose of transforming the clan lands into domains of the King of England.

Up to this time, the land had been the common property of the clan or gens, except where the chiefs had already claimed it as their private domain. When a gentile died, and a household was thus dissolved, the gentile chief (called caput cognationis by the English jurists) re-distributed the whole gentile land among the other households. This distribution must have taken place according to rules such as were observed in Germany. We still find a few villages—very numerous forty or fifty years ago—with fields combined in so-called rundales. The peasants, individual tenants on the soil that once was the common property of the gens, but had been seized by the English conquerors, each paid rent for his particular plot, but all the arable and meadow land was combined and shared out, according to situation and quality, in strips, or "Gewanne," as they are called on the Mosel, and each one received a share of each Gewann. Moorland and pastures were used in common. As recently as fifty years ago, re-division was still practised occasionally, sometimes annually. The plan of such a rundale village looks exactly like that of a German "Gehoferschaft" on the Mosel or in the Hochwald. The gens also survives in the "factions." The Irish peasants often form parties that seem to be founded on absolutely absurd and senseless distinctions, quite incomprehensible to Englishmen. The only purpose of these factions is apparently to rally for the popular sport of hammering the life out of one another. They are artificial reincarnations, modern substitutes for the dispersed gentes that in their own peculiar way demonstrate the continuation of the old gentile instinct. Incidentally, in some localities members of the same gens still live together on what is practically their old territory. During the thirties, for instance, the great majority of the inhabitants of the old county of Monaghan had only four family names, i.e., they were descended from four gentes or clans.*

The downfall of the gentile order in Scotland dates from the suppres-

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* *Note to fourth edition*: During a few days that I spent in Ireland, I again realized to what extent the rural population is still living in the conceptions of the gentile period. The big landlord, whose tenant the peasant is, still enjoys a position similar to that of a clan chief, who supervises the cultivation of the soil in the interest of all, is entitled to tribute from the peasant in the form of rent, but also has to assist the peasant in cases of need. Likewise, everyone in comfortable circumstances is considered under obligation to help his poorer neighbours whenever they are in need. Such assistance is not charity; it is what the poor clansman receives by right from his rich fellow clansman or clan chief. This explains why the professors of political economy and the jurists complain of the impossibility of inculcating the modern idea of bourgeois property into the minds of the Irish peasants. Property that has only rights, but no duties, is absolutely beyond the ken of the Irishman. No wonder so many Irishmen who are suddenly cast into the modern great cities of England and America, among a population with entirely different moral and legal standards, despair of all morals and justice, lose all hold and often succumb to demoralization in masses.—*F. E.*

sion of the rebellion in 1745. What link in this order the Scotch clan represented remains to be investigated; that it is a link, is beyond doubt. Walter Scott's novels bring the clan in the Highlands of Scotland vividly before our eyes. It is, as Morgan says, "an excellent type of the gens in organization and in spirit, and an extraordinary illustration of the power of the gentile life over its members. . . . We find in their feuds and blood revenge, in their localization by gentes, in their use of lands in common, in the fidelity of the clansmen to their chief and of the members of the clan to each other, the usual and persistent features of gentile society. . . . Descent was in the male line, the children of the males remaining members of the clan, while the children of its female members belonged to the clans of their respective fathers."* The fact that mother-right was formerly in force in Scotland is proved by the royal family of the Picts, in which, according to Bede, inheritance in the female line prevailed. We even see evidences of the punaluan family preserved among the Scots and the Welsh until the Middle Ages in the right of first night, which the chief of the clan, or king, the last representative of the former common husbands, could claim with every bride, unless redeemed.

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That the Germans were organized in gentes up to the time of the migration of peoples is an indisputable fact. Evidently they settled in the territory between the Danube, the Rhine, the Vistula and the northern seas only a few centuries before our era; the Cimbri and Teutons were still in full migration, and the Suevi did not settle down until Caesar's time. Caesar expressly states that they settled down in gentes and kins (gentibus cognatibusque), and in the mouth of a Roman of the Julia gens the term gentibus has a definite meaning that cannot possibly be misconstrued. This holds good for all Germans; even the settling of the conquered Roman provinces appears to have proceeded in gentes. The Alemannian laws confirm the fact that the people settled on the conquered land south of the Danube in gentes (genealogiae); genealogia is used in exactly the same sense as Mark or Dorfgenossenschaft** was used later. Recently Kovalevsky has stated that these genealogiae were large household communities among which the land was divided, and from which the village communities developed later on. The same may be true of the fara, the term which the Burgundians and Langobards—a Gothic and a Herminonian or High German tribe—applied to nearly, if

* Morgan, *Ancient Society*, pp. 368-69.—*Ed. Eng. ed.*
** Village community.—*Ed. Eng. ed.*

not exactly, the same thing that in the Alemannian book of laws is called genealogiae. Whether this really represents the gens or the household community is a matter that must be further investigated.

The language records leave us in doubt as to whether all the Germans had a common expression for gens, and if so, as to what this term was. Etymologically, the Greek genos, the Latin gens, corresponds to the Gothic kuni, Middle High-German künne, and is used in the same sense. We are led back to the time of mother-right by the terms for "woman" which are derived from the same root: Greek gynê, Slav zhena, Gothic qvino, Old Norse kona, kuna.—Among Langobards and Burgundians we find, as I have said, the term fara, which Grimm derives from the hypothetical root fisan, to beget. I should prefer to trace it to the more obvious root faran, fahren, to wander, a term which designates a certain well defined section of the nomadic train, composed, it almost goes without saying, of relatives; a term which, in the course of centuries of wandering first to the East and then to the West, was gradually applied to the family community itself.—Further, there is the Gothic sibja, Anglo-Saxon sib, Old High-German sippia, sippa, Sippe. Old Norse has only the plural sifjar, the relatives; the singular occurs only as the name of a goddess, Sif.—Finally, another expression occurs in the Hildebrand Song, where Hildebrand asks Hadubrand "who is your father among the men of the nation . . . or what is your kin?" (eddo huêllîhhes *cnuosles* du sîs). If there was a common German term for gens, it might well have been the Gothic kuni; this is not only indicated by its identity with the corresponding term in kindred languages, but also by the fact that the word kuning, könig, which originally signified chief of gens or tribe, is derived from it. Sibja, Sippe, does not appear worthy of consideration; in old Norse, at least, sifjar signifies not only kinship in blood, but also by marriage; hence it comprises the members of at least *two gentes*, and the term sif cannot have been applied to the gens itself.

Among the Germans, as among the Mexicans and Greeks, the horsemen as well as the wedge-like columns of infantry were arranged in battle order in gentes. When Tacitus says: "by families and kinships," the indefinite term he uses is explained by the fact that in his time the gens had long ceased to be a living body in Rome.

Of decisive significance is a passage in Tacitus where he says: The mother's brother regards his nephew as his son; some even hold that the blood tie between the maternal uncle and the nephew is more sacred and close than that between father and son, so that when hostages are demanded the sister's son is considered a better pledge than the natural son of the man whom they desire to place under bond. Here we have a living survival of the matriarchal, and hence original, gens, and it

is described as something which particularly distinguishes the Germans.* If a member of such a gens gave his own son as a pledge for an obligation he had undertaken, and if this son became the victim of his father's breach of faith, that was the concern of the father alone. When the son of a sister was sacrificed, however, then the most sacred gentile law was violated. The next of kin who was bound above all others to protect the boy or young man, was held responsible for his death; he should either have refrained from giving the boy as a pledge, or have kept the contract. If we had no other trace of gentile organization among the Germans, this one passage would be sufficient proof of its existence.

Still more decisive, as it comes about eight hundred years later, is a passage in the Old Norse song of the twilight of the gods and of the end of the world, the Völuspâ. In this "Vision of the Seeress," which, as Bang and Bugge have now shown, also contains elements of Christianity, the description of the period of universal decay and corruption preceding the cataclysm contains this passage

Broedhr munu bejask ok at bönum verdask
Munu *systrungar* sifjum spilla.

"Brothers will wage war against one another and become each other's slayers, and *sisters' children* will break the bonds of kinship." Systrungar means the sons of the mother's sister, and in the poet's eyes, their repudiation of blood relationship is the climax to the crime of fratricide. The climax lies in systrungar, which emphasizes the kinship on the maternal side. If the term syskina-börn, brother's and sister's children, or syskina-synir, brother's and sister's sons, had been used, the second line would not have been a crescendo but a weakening diminuendo. Thus, even in the time of the Vikings, when the Völuspâ was composed, the memory of mother-right in Scandinavia was not yet obliterated.

For the rest, in Tacitus' time, at least among the Germans with whom he was more familiar, mother-right had already given way to father-right: the children were the heirs of the father; in the absence of children,

* The Greeks know this special sacredness of the bond between the mother's brother and his nephew, a relic of mother-right found among many nations, only in the mythology of the Heroic Age. According to Diodorus, IV, 34, Meleager kills the sons of Thestius, the brothers of his mother Althaea. The latter regards this deed as such a heinous crime that she curses the murderer, her own son, and prays for his death. It is related that "the gods fulfilled her wish and ended Meleager's life." According to the same Diodorus (IV, 44,) the Argonauts under Herakles landed in Thracia and there found that Phineus, at the instigation of his second wife, shamefully maltreats his two sons, the offspring of his first deserted wife, Cleopatra, the Boreade. But among the Argonauts there are also some Boreades, the brothers of Cleopatra, the uncles of the maltreated boys. They at once come to their nephews' aid, set them free and kill their guards.—*F. E.*

the brothers and uncles on both father and mother sides were the heirs. The admission of the mother's brother to inheritance is connected with the preservation of the above-mentioned custom, and also proves how recent father-right was among the Germans at that time. We find traces of mother-right even late in the Middle Ages. In this period fatherhood was still a matter of doubt, especially among serfs, and when a feudal lord demanded the return of a fugitive serf from a city, it was required, for instance, in Augsburg, Basel and Kaiserslautern, that the fact of his serfdom should be established by the oaths of six of his immediate blood relations, exclusively on his mother's side. (Maurer, *Städteverfassung*, I, p. 381.)

Another relic of mother-right, then just falling into decay, was the, from the Roman standpoint, almost inexplicable respect the Germans had for the female sex. Young girls of noble family were regarded as the best hostages guaranteeing the keeping of contracts with Germans. In battle, nothing stimulated their courage so much as the horrible thought that their wives and daughters might be captured and carried into slavery. They regarded the woman as being holy and something of a prophetess, and they heeded her advice in the most important matters. Veleda, the Bructerian priestess on the river Lippe, was the moving spirit of the whole Batavian insurrection, in which Civilis, at the head of German and Belgian tribes, shook the foundations of Roman rule in Gaul. The women appear to have held undisputed sway in the house. Tacitus says that they, with the old men and children, had to do all the work, for the men went hunting, drank and loafed; but he does not say who cultivated the fields, and as according to his explicit statement the slaves only paid dues and performed no compulsory labour, it would appear that what little agricultural work was required had to be performed by the adult men.

As was stated above, the form of marriage was the pairing family gradually passing to monogamy. It was not yet strict monogamy, for polygamy was permitted for the prominent. On the whole, unlike the Celts, they insisted on strict chastity among girls. Tacitus speaks with particular warmth of the sacredness of the matrimonial bond among the Germans. He gives adultery on the part of the woman as the sole reason for a divorce. But his report contains many gaps, and furthermore, it too openly holds up the mirror of virtue to the dissipated Romans. So much is certain: if the Germans in their forests were such exceptional models of virtue, only a slight contact with the outer world was required to bring them down to the level of the other European average man; in the whirl of Roman life the last trace of strict morality disappeared even faster than the German language. It is enough to read

Gregory of Tours. It goes without saying that refined voluptuousness could not exist in the primeval forests of Germany as it did in Rome, and so we may say that in this respect also the Germans were superior to the Roman world, without ascribing to them a moderation in carnal matters that has never prevailed among any nation as a whole.

From the gentile system arose the obligation to inherit the feuds as well as the friendships of one's father and relatives; and also wergeld, the fine paid in atonement for murder or injury, in place of blood revenge. A generation ago this wergeld was regarded as a specifically German institution, but it has since been proved that hundreds of peoples practised this milder form of gentile blood revenge. Like the obligation of hospitality, it is found, for instance, among the American Indians. Tacitus' description of the manner in which hospitality was observed (*Germania*, chap. 21) is almost identical with Morgan's.

The heated and ceaseless controversy as to whether or not the Germans in Tacitus' time had already divided up the cultivated land and how the passages relating to this question should be interpreted, is now a thing of the past. After it had been established that the cultivated land of nearly all peoples was tilled in common by the gens and later on by communistic family groups, a practice which Caesar still found among the Suevi; that later the land was allotted periodically to the individual families; and that this periodical allotment of the cultivated land has been preserved in parts of Germany down to this day—after such evidence we need not waste any more breath on the subject. If the Germans in one hundred and fifty years passed from common cultivation, such as Caesar expressly attributes to the Suevi—they have no divided or private tillage whatsoever, he says—to individual cultivation with the annual redistribution of the land in Tacitus' time, it is surely progress enough; the transition from the previous stage to the complete private ownership of land in such a short period and without any outside intervention was an utter impossibility. Hence I can read in Tacitus only what he states in so many words: They change (or re-divide) the cultivated land every year, and enough land is left for common use. It is the stage of agriculture and appropriation of the soil, which exactly tallies with the gentile constitution of the Germans of that time.

I leave the preceding paragraph unchanged, just as it stood in former editions. Meantime the question has assumed another aspect. Since Kovalevsky has demonstrated (see above p. 48) that the patriarchal household community was widespread, if not universal, as the connecting link between the matriarchal communistic family and the modern isolated family, the question is no longer whether the land was common or private property, as discussed between Maurer and Waitz, but the *form*

common property assumed. There is no doubt whatever that in Caesar's time the Suevi not only owned their land in common, but also tilled it in common for common account. The questions whether their economic unit was the gens, or the household community, or an intermediate communistic kinship group, or whether all three of these groups existed as a result of different local conditions will remain subjects of controversy for a long time yet. Kovalevsky maintains that the conditions described by Tacitus were not founded on the mark or village community, but on the household community, which, much later, developed into the village community, owing to the growth of the population.

Hence, the German settlements on the territory they occupied in the time of the Romans, and on the territory they later took from the Romans, must have been not villages, but large family communities comprising several generations, who cultivated a correspondingly large tract of land and used the surrounding wild land as a common mark with their neighbours. This being the case, the passage in Tacitus concerning the changing of the cultivated land would indeed have an agronomic meaning, viz., that the community cultivated a different piece of land every year, and the land cultivated during the previous year was left in fallow, or entirely abandoned. The sparsity of the population would have left enough spare wild land to make all disputes about land unnecessary. Only after the lapse of centuries, when the members of the household had increased, so that the common cultivation became impossible under the prevailing conditions of production, were the household communities dissolved. The former common fields and meadows were then divided in the well-known manner among the various individual households that had now formed, at first periodically, and later once and for all, while forest, pasture and water remained common property.

As far as Russia is concerned, this process of development appears to have been fully proved historically. As for Germany, and for other Germanic countries, it cannot be denied that, in many respects, this view affords a better interpretation of the sources and an easier solution of difficulties than the idea of tracing the village community to the time of Tacitus. The oldest documents, e.g., of the Codex Laureshamensis, are on the whole more easily explained by the household community than by the village community. On the other hand, it presents new difficulties and new problems that need solution. Here, only further investigation can decide. I cannot deny, however, that it is highly probable that the household community was also the intermediate stage in Germany, Scandinavia and England.

While the Germans of Caesar's time had partly just taken up settled abodes, and partly were still seeking such, they had been settled for a

full century in Tacitus' time; the resulting progress in the production of means of subsistence is unmistakable. They lived in log houses; their clothing was still of the primitive forest type, consisting of rough woolen cloaks and animal skins, and linen underclothing for the women and the notables. They lived on milk, meat, wild fruit and, as Pliny adds, oatmeal porridge, which is the Celtic national dish in Ireland and Scotland to this day. Their wealth consisted of cattle, of an inferior breed, however. The kine were small, uncouth and hornless; the horses were small ponies, not fast runners. Money, Roman coin only, was little and rarely used. They made no gold or silver ornaments, nor did they attach any value to these metals. Iron was scarce and, at least among the tribes on the Rhine and the Danube, was apparently imported, not mined by themselves. The runic script (imitations of Greek and Latin letters) was only used as a secret code and exclusively for religious sorcery. Human sacrifices were still in vogue. In short, they were a people just emerged out of the middle stage of barbarism into the upper stage. While, however, the tribes whose immediate contact with the Romans facilitated the import of Roman manufactured goods were thereby prevented from developing a metal and textile industry of their own, there is not the least doubt that the tribes of the Northeast, on the Baltic, developed these industries. The pieces of armour found in the bogs of Sleswig—a long iron sword, a coat of mail, a silver helmet, etc., together with Roman coins from the close of the second century—and the German metal ware spread by the migration of peoples represent a peculiar type of fine workmanship, even such as were modeled after Roman originals. With the exception of England, emigration to the civilized Roman empire everywhere put an end to this native industry. How uniformly this industry arose and developed is shown, e. g., by the bronze spangles. The specimens found in Burgundy, in Rumania and on the Azov Sea, might have been manufactured in the same workshops as those found in England or Sweden, and are of undoubted Germanic origin.

Their constitution was also in keeping with the upper stage of barbarism. According to Tacitus, there was a council of chiefs (principes) which decided matters of minor importance and prepared important matters for the decision of the popular assemblies. The latter, in the lower stage of barbarism, at least where we know anything about them, among the American Indians, are held only in the gentes, not in tribes or confederacies of tribes. The magistrates (principes) were still sharply distinguished from the war chiefs (duces), just as among the Iroquois. The magistrates were already living, in part, on honorary gifts, such as cattle, grain, etc., from their fellow tribesmen. As in America, they were general-

ly elected from the same family. The transition to father-right favoured, as in Greece and Rome, the gradual transformation of elective office into hereditary office, thus giving rise to an aristocratic family in each gens. Most of this old, so-called tribal aristocracy disappeared during the migration of peoples, or shortly after. The military leaders were elected solely on their merits, irrespective of birth. They had little power and had to rely on force of example. As Tacitus explicitly states, actual disciplinary power in the army was held by the priests. The popular assembly was the real power. The king or tribal chief presided; the people decided: a murmur signified "no," acclamation and clanging of weapons meant "aye." The popular assembly was also the court of justice. Complaints were brought up here and decided; and death sentences were pronounced, the latter only in cases of cowardice, treason or unnatural vices. The gentes and other subdivisions also decided in a body, presided over by the chief, who, as in all original German courts, was only the director of the proceedings and questioner. Among the Germans, always and everywhere, sentence was pronounced by the commonality.

Confederacies of tribes came into existence from Caesar's time. Some of them already had kings. The first supreme military commander began to aspire to despotic power, as among the Greeks and Romans, and sometimes succeeded in achieving it. These successful usurpers were by no means absolute rulers; nevertheless, they began to break the fetters of the gentile constitution. While freed slaves generally occupied an inferior position, because they could not be members of any gens, they often gained rank, wealth and honours as favourites of the new kings. The same thing occurred after the conquest of the Roman Empire by those military leaders who had now become kings of large countries. Among the Franks, the king's slaves and freedmen played a leading role first at court and then in the state; a large part of the new aristocracy was descended from them.

There was one institution that especially favoured the rise of royalty: the military retinue. We have already seen how among the American Indians private war groups were formed independently of the gens. Among the Germans, these private associations had developed into standing bodies. The military commander who had acquired fame, gathered around his person a host of booty-loving young warriors pledged to loyalty to him as he was to them. He fed them, gave them gifts and organized them on hierarchical principles: a body guard and a troop ready for immediate contingencies and short expeditions, a trained corps of officers for larger campaigns. Weak as these retinues must have been, as indeed they proved to be later under Odoaker in Italy, they, nevertheless, served as the germ of decay of the old popular liberties,

and served as such during and after the migration of peoples. Firstly, they created favourable soil for the rise of the royal power. Secondly, as Tacitus observed, they could only be held together by continuous warfare and plundering expeditions. Loot became the main object. If the chieftain found nothing to do in his neighbourhood, he marched his troops to other countries, where there was war and the prospect of booty. The German auxiliaries who under the Roman standard even fought the Germans in large numbers, partly consisted of such retinues. They were the first germs of the Landsknecht profession, the shame and curse of the Germans. After the conquest of the Roman Empire, these kings' retainers, together with the bonded and Roman courtiers, formed the major part of the aristocracy of later days.

In general, then, the German tribes, combined into nations, had the same constitution that had developed among the Greeks of the Heroic Age and among the Romans at the time of the so-called kings: popular assemblies, councils of gentile chiefs and military commanders who were already aspiring to kingly power. It was the highest constitution the gentile order could produce; it was the model constitution of the higher stage of barbarism. As soon as society passed beyond the limits for which this constituion sufficed, the gentile order was finished. It collapsed and the state took its place.

CHAPTER EIGHT

THE FORMATION OF THE STATE AMONG THE GERMANS

According to Tacitus the Germans were a very numerous people. An approximate idea of the strength of the different German peoples is given by Caesar; he puts the number of Usipetans and Tencterans who appeared on the left bank of the Rhine at 180,000, including women and children. Thus, about 100,000* to a people, considerably more than the Iroquois, for example, numbered in their most flourishing period, when 20,000 became the terror of the whole country, from the Great Lakes to the Ohio and Potomac. If we were to attempt to group on a map the peoples of the Rhine country, who are better known to us from historical reports, we would find that such a people would occupy on the average the area of a Prussian administrative district, about 10,000 square kilometres, or 182 geographical square miles.** The Germania Magna of the Romans, reaching to the Vistula, comprised about 500,000 square kilometres. Counting an average of 100,000 for any single people, the total population of Germania Magna would have amounted to five million; a rather high figure for a barbarian group of peoples, although 10 inhabitants to the square kilometre, or 550 to the geographical square mile, is very little when compared to present conditions. But this does not include all the Germans then living. We know that German peoples of Gothic origin, Bastarnians, Peukinians and others, lived all along the Carpathian mountains away down to the mouth of the Danube. They were so numerous that Pliny designated them as the fifth main division of the Germans; in 180 B. C. they were already serving as mercenaries of the Macedonian King Perseus, and in the first years of the reign of Augustus they were

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* The number taken here is confirmed by a passage in Diodorus on the Celts of Gaul: "In Gaul live numerous peoples of unequal strength. The strongest of them numbers about 200,000, the weakest 50,000." (Diodorus Siculus, V, 25.) That gives an average of 125,000. The peoples inhabiting Gaul, being more highly developed, must certainly have been more numerous than the Germans.—*F. E.*

** I.e., German sq. miles. About 3,000 English sq. miles.—*Ed. Eng. ed.*

still pushing their way as far as the vicinity of Adrianople. If we assume that they numbered one million, then, at the beginning of the Christian era, the Germans numbered probably no less than six million.

After the final settlement in Germany, the population must have grown with increasing rapidity. The industrial progress mentioned above is sufficient to prove it. The objects found in the bogs of Schleswig, to judge by the Roman coins found with them, date from the third century. Hence at that time the metal and textile industry was already well developed on the Baltic, a lively trade was carried on with the Roman Empire, and the wealthier class enjoyed a certain luxury—all evidences of a greater density of population. At this time, however, the Germans started their general assault along the whole line of the Rhine, the Roman Wall and the Danube, a line stretching from the North Sea to the Black Sea—direct proof of the ever growing population striving outwards. During the three centuries of struggle, the whole main body of the Gothic peoples, with the exception of the Scandinavian Goths and the Burgundians, pressed towards the Southeast and formed the left wing of the long line of attack; the High Germans (Herminonians) fought in the centre on the Upper Danube and the Iskaevonians, now called Franks, pushed forward on the right wing along the Rhine. The conquest of Britain fell to the lot of the Ingaevones. At the end of the fifth century the Roman Empire, exhausted, bloodless, and helpless, lay open to the invading Germans.

In preceding chapters we stood at the cradle of ancient Greek and Roman civilization. Now we are standing at its grave. The levelling plane of Roman world power had been gliding for centuries over all the Mediterranean countries. Where the Greek language offered no resistance all national languages gave way to corrupted Latin. There were no longer any distinctions of nationality, no more Gauls, Iberians, Ligurians, Noricans; all had become Romans. Roman administration and Roman law had everywhere dissolved the old gentile bodies and thus crushed the last remnants of local and national self-expression. The new-fangled Romanism could not compensate for this loss, for it did not express any nationality; it only expressed lack of nationality. The elements for the formation of new nations existed everywhere. The Latin dialects of the different provinces diverged more and more; the natural boundaries that had once made Italy, Gaul, Spain, Africa independent territories, still existed and made themselves felt. Yet nowhere was there a force capable of combining these elements into new nations; nowhere was there the least trace of any capacity for development or any power of resistance, much less of creative power. The immense human mass of that enormous territory was held together by one bond alone—the Roman state; and

this, in time, became their worst enemy and oppressor. The provinces had ruined Rome; Rome itself had become a provincial town like all the others, privileged, but no longer ruling, no longer the centre of the world empire, no longer even the seat of the emperors and vice-emperors, who lived in Constantinople, Trèves and Milan. The Roman state had become an immense complicated machine, designed exclusively for the exploitation of its subjects. Taxes, state imposts and levies of all kinds drove the mass of the people deeper and deeper into poverty. The extortionate practices of the procurators, tax collectors and soldiers caused the pressure to become intolerable. This is what the Roman state with its world power had brought things to: It had based its right to existence on the preservation of order in the interior and protection against the barbarians outside. But this order was worse than the worst disorder, and the barbarians, against whom the state pretended to protect its citizens, were hailed by them as saviours.

Social conditions were no less desperate. During the last years of the republic, Roman rule was already based on the ruthless exploitation of the conquered provinces. The emperors had not abolished this exploitation; on the contrary, they had made it the rule. The more the empire fell into decay, the higher rose the taxes and imposts; and the more shamelessly the officials robbed and blackmailed the people. Commerce and industry were never the business of the domineering Romans. Only in usury did they excel all others, before and after them. The commerce that existed and managed to maintain itself for a time was ultimately ruined by official extortion; what survived was carried on in the eastern, Grecian part of the empire, but this is beyond the scope of our study. Universal impoverishment; decline of commerce, handicrafts, the arts, and of the population; decay of the towns; retrogression of agriculture to a lower stage—this was the final result of Roman world supremacy.

Agriculture, the most prominent branch of production in the whole of the ancient world, now became so more than ever. In Italy, the immense estates (latifundiae) which had covered nearly the whole country since the end of the republic, had been utilized in two ways; either as pastures, on which the population had been replaced by sheep and oxen, the care of which required only a few slaves; or as country estates, on which horticulture on a large scale had been carried on with the aid of masses of slaves, partly to serve the luxurious needs of the owners and partly for sale in the markets of the towns. The great pastures had been preserved and even enlarged. But the country estates and their horticulture fell into ruin owing to the impoverishment of their owners and the decay of the towns. Latifundian economy based on slave labour was no longer profitable; but at that time it was the only possible form of

large-scale agriculture. Small-scale farming again became the only profitable form. Estate after estate was parcelled out and leased in small lots to hereditary tenants, who paid a fixed rent, or to partiarii, farm managers rather than tenants, who received one-sixth or even only one-ninth of the year's product for their work. Mainly, however, these small plots were distributed to colons who paid a fixed sum annually, were tied to the land and could be sold together with the plots. These were not slaves, but they were not free; they could not marry free citizens, and marriage with members of their own class was not regarded as valid marriage, but as concubinage (contubernium), as in the case of the slaves. They were the forerunners of the medieval serfs.

The slavery of antiquity became obsolete. Neither in large-scale agriculture in the country, nor in the manufactories of the towns did it any longer bring in a return for the labour put in—the market for its products had disappeared. Small-scale agriculture and small handicrafts, to which the gigantic production of the flourishing times of the empire was now reduced, had no room for numerous slaves. Society found room only for the house and luxury slaves of the rich. But this declining slavery was still sufficiently virile to brand productive work as slave labour, unworthy of the dignity of free Romans; and everybody was now a free Roman. Thus, on the one hand, there was an increase in the number of superfluous slaves who, having become a drag on their owners, were dismissed; on the other hand, there was an increase in the number of colons and of degraded free men (similar to the poor whites in the ex-slave states of America). Christianity is perfectly innocent of this gradual dying out of ancient slavery. It had tolerated slavery in the Roman Empire for centuries, and later did nothing to prevent the slave trade of Christians, either of the Germans in the North, or of the Venetians on the Mediterranean, or the Negro slave trade of later years.* Slavery no longer paid, and so it died out; but it left behind its poisonous sting by branding as ignoble the productive work of free men. This was the blind alley in which the Roman world was caught: slavery was economically impossible, while the labour of free men was under a moral ban. The one could no longer exist, the other could not yet serve as the basic form of social production. Only a complete revolution could save the situation.

Things were no better in the provinces. Most of the reports we have concern Gaul. By the side of the colons, small free farmers still existed there. In order to protect themselves against the brutal extortions of the

* According to Bishop Liutprand of Cremona, the principal industry of Verdun in the tenth century, that is, in the so-called Holy German Empire, was the manufacture of eunuchs, who were exported with great profit to Spain for the harems of the Moors.—*F. E.*

officials, judges and usurers, they frequently placed themselves under the protection, the patronage, of men of influence and power; and they did this not only as single individuals, but in whole communities, so much so, that the emperors of the fourth century often issued decrees prohibiting this practice. How did this help those who sought this protection? The patron imposed the condition that they transfer the title of their lands to him, and in return he ensured them the free enjoyment of their land for life—a trick which the Holy Church remembered and freely imitated during the ninth and tenth centuries, for the greater glory of God and the enlargement of its own landed possessions. In the fifth century, however, about the year 475, Bishop Salvianus of Marseilles still vehemently denounced such robbery and related that the methods of the Roman officials and great landlords became so oppressive that many "Romans" fled to the districts occupied by the barbarians, and the Romans who had settled there feared nothing so much as falling under Roman rule again. That poor parents frequently sold their children into slavery in those days is proved by a law forbidding this practice.

In return for liberating the Romans from their own state, the barbarians appropriated two-thirds of the entire land and divided it among themselves. The distribution was made in accordance with the gentile system; as the conquerors were relatively small in number, large tracts remained undivided, partly in the possession of the whole people and partly in that of the tribes or gentes. In each gens the land was distributed for cultivation and pastures among the individual households in equal lots. We do not know whether repeated divisions took place at that time; at all events, this practice was soon discarded in the Roman provinces, and the individual allotment became saleable private property, the alodium. Forests and pastures remained undivided for common use; this use and the mode of cultivating the divided land was regulated by ancient custom and the will of the community. The longer the gens existed in its village, and the more Germans and Romans merged in the course of time, the more the kinship character of the ties retreated before territorial ties. The gens disappeared in the mark community, in which, however, sufficient traces of the original kinship of the members were visible. Thus, the gentile constitution, at least in those countries where mark communes were preserved—in the North of France, in England, Germany and Scandinavia—was gradually transformed into a territorial constitution, and thus became capable of being fitted into a state. Nevertheless, it retained its natural democratic character which distinguishes the whole gentile order, and thus preserved a piece of the gentile constitution even in its enforced degeneration of later times, thereby leaving a weapon in the hands of the oppressed, ready to be wielded even in modern times.

The rapid disappearance of the blood tie in the gens was due to the fact that its organs in the tribe and the whole people had also degenerated as a result of the conquest. We know that rule over a subjugated people is incompatible with the gentile order. Here we see it on a large scale. The German peoples, masters of the Roman provinces, had to organize their conquests; but they could neither adopt the Romans as a body into their gentes, nor rule them with the aid of gentile organs. A substitute for the Roman state had to be placed at the head of the Roman local administrative bodies, which at first largely continued to function, and this substitute could only be another state. Thus, the organs of the gentile constitution had to be transformed into organs of the state, and owing to the pressure of circumstances, this had to be done very quickly. The first representative of the conquering people was the military commander, however. The internal and external safety of the conquered territory demanded that his power be increased. The moment had arrived for transforming military leadership into kingship. This was done.

Let us take the kingdom of the Franks. Here, not only the wide dominions of the Roman state, but also all the large tracts of land that had not been assigned to the large and small gau and mark communities, especially of all the large forests, fell into the hands of the victorious Salians. The first thing the king of the Franks, transformed from an ordinary military commander into a real monarch, did was to convert this national property into a royal estate, to steal it from the people and to donate or give it in fief to his retainers. This retinue, originally composed of his personal military retainers and the rest of the sub-commanders of the army, was soon augmented not only by Romans, i.e., Romanized Gauls, who quickly became almost indispensable to the king owing to their knowledge of writing, their education and familiarity with the language and laws of the country and with the language of Latin literature, but also by slaves, serfs and freed men, who constituted his Court and from among whom he chose his favourites. All these were granted tracts of public land, first as gifts and later in the form of benefices—originally lasting during the lifetime of the king—and so the basis was laid for a new aristocracy at the expense of the people.

But this was not all. The far flung empire could not be governed by means of the old gentile constitution. The council of chiefs, even if it had not long become obsolete, could not assemble and was replaced by the king's permanent retainers. The old popular assembly was still ostensibly preserved, but more and more as an assembly of the sub-commanders of the army and the newly rising notables. The free land-owning peasants, the mass of the Frankish people, were exhausted and reduced to penury by continuous civil war and wars of conquest, the latter par-

ticularly under Charlemagne, just as the Roman farmers had been during the last period of the republic. These peasants, who originally had formed the whole army, and after the conquest of France had been its core, were so impoverished at the beginning of the ninth century that scarcely one out of five could provide the accoutrements of war. The former army of free peasants, called up directly by the king, was replaced by an army composed of dependents of the new aristocracy. Among these servants were also villeins, the descendants of the peasants who formerly had acknowledged no master but the king, and a little earlier had acknowledged no master at all, not even a king. Under Charlemagne's successors the ruin of the Frankish peasantry was aggravated by internal wars, the weakness of the royal power and corresponding usurpations of the nobles, whose ranks were augmented by the gau Counts, established by Charlemagne, who strove to make their titles hereditary. The incursions of the Normans completed the ruin of the peasantry. Fifty years after the death of Charlemagne, the Frankish Empire lay as helpless at the feet of the Normans as four hundred years previously the Roman Empire had lain at the feet of the Franks.

Not only the external impotence, but the internal order, or rather, disorder, of society, was almost the same. The free Frankish peasants found themselves in a position similar to that of their predecessors, the Roman colons. Ruined by war and plunder, they had to seek the protection of the new nobility, or the Church, for the royal power was too weak to protect them; but they had to pay dearly for this protection. Like the Gallic peasants before them, they had to transfer the titles of their land to their patrons, and received it back from them as tenants in different and varying forms, but always on condition of performing services and paying dues. Once driven into this form of dependence, they gradually lost their personal freedom; after a few generations most of them became serfs. How rapidly the free peasants were degraded is shown by Irminon's land records of the Abbey Saint Germain de Près, then near, now in, Paris. Even in Charlemagne's time, on the vast estates of this abbey, stretching into the surrounding country, there were 2,788 households, nearly all Franks with German names; 2,080 of them were colons, 35 lites,* 220 slaves and only 8 freeholders! The custom by which the peasants transferred their land to the patron receiving from him only the usufruct of it for life, the custom denounced as ungodly by Salvianus, was now universally practised by the Church in its dealings with the peasants. Compulsory labour, now coming more and more into vogue, was modelled as much on the lines of the Roman angariae, compulsory ser-

* I.e., semi-free peasants.—*Ed. Eng. ed.*

vice for the state, as on the services rendered by the members of the German mark in bridge and road building and other work for common purposes. Thus, it looked as if, after four hundred years, the mass of the population had come back to the point it had started from.

This proved two things, however: Firstly, that the social division and the distribution of property in the declining Roman Empire corresponded entirely to the then prevailing stage of production in agriculture and industry, and hence was unavoidable; secondly, that this stage of production had not sunk or risen to any material extent in the course of four hundred years, and, therefore, had necessarily produced the same distribution of property and the same class division of population. During the last centuries of the Roman Empire, the town lost its supremacy over the country, and did not regain it during the first centuries of German rule. This presupposes a low stage of agriculture and of industry. Such a general condition necessarily gives rise to big ruling landowners and dependent small peasants. How impossible it was to graft either the Roman latifundian economy run with slave labour or the new large scale farming run with serf labour on to such a society, is proved by Charlemagne's very extensive experiments with his famous imperial estates, which passed away without leaving hardly a trace. These experiments were continued only by the monasteries and were fruitful only for them; but the monasteries were abnormal social institutions, founded on celibacy. They could do the exceptional, and for that very reason had to remain exceptions.

Nevertheless, progress was made during these four hundred years. Even if in the end we find the same main classes as in the beginning, still, the people who constituted these classes had changed. The ancient slavery had disappeared; gone were also the degraded poor freemen, who had despised work as slavish. Between the Roman colon and the new serf there had been the free Frankish peasant. The "useless reminiscences and vain strife" of decaying Rome were dead and buried. The social classes of the ninth century had taken shape not amidst the demoralization of a declining civilization, but in the travail of a new civilization. The new race, masters as well as servants, were a race of men compared to their Roman predecessors. The relation of powerful landlords to serving peasants, which for the former had been the hopeless form of the decline of the world of antiquity, was for the latter the starting point of a new development. Moreover, unproductive as these four hundred years appear to be, they, nevertheless left *one* great product behind them: the modern nationalities, the regrouping and division of West European humanity for impending history. The Germans, in fact, had infused new life into Europe; and that is why the dissolution of the states in the German period

ended, not in Norse-Saracen subjugation, but in the continued development from the royal benefices and patronage (commendatio) to feudalism, and in such a tremendous increase in the population that the drain of blood caused by the Crusades barely two centuries later could be borne without injury.

What was the mysterious charm with which the Germans infused new vitality into dying Europe? Was it the innate magic power of the German race, as our jingo historians would have it? By no means. Of course, the Germans were a highly gifted Aryan tribe, especially at that time, in full process of vigorous development. It was not their specific national qualities that rejuvenated Europe, however, but their barbarism, their gentile constitution.

Their personal efficiency and bravery, their love of liberty, and their democratic instinct which regarded all public affairs as its own affairs, in short, all those qualities which the Romans had lost and which were alone capable of forming new states and of raising new nationalities out of the muck of the Roman world—what were they but the characteristic features of barbarians in the upper stage, fruits of the gentile constitution?

If they transformed the ancient form of monogamy, reduced male rule in the family and gave a higher status to women than the classic world had ever known, what enabled them to do so, if not their barbarism, their gentile customs, their still living heritage of the time of mother-right?

If they were able in at least three of the most important countries—Germany, North of France and England—to preserve and carry over to the feudal state a piece of the genuine gentile constitution in the form of the mark communes, and thus give local cohesion and the means of resistance to the oppressed class, the peasants, even under the hardest conditions of medieval serfdom—means which neither the slaves of antiquity nor the modern proletarian found ready at hand—to what did they owe this, if not to their barbarism, their exclusively barbarian mode of settling in gentes?

And lastly, if they were able to develop and universally introduce the milder form of servitude which they had been practising at home, and which more and more displaced slavery also in the Roman Empire; a form which, as Fourier first stated, gave to the oppressed the means of their gradual emancipation *as a class* (fournit aux cultivateurs des moyens d'affranchissement *collectif et progressif*)* and is therefore far

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* Gave the peasants the means of their collective and gradual emancipation.—*Ed. Eng. ed.*

superior to slavery, which permits only the immediate enfranchisement of the individual without any transitory stage (antiquity did not know any abolition of slavery by a victorious rebellion)—whereas the serfs of the Middle Ages, step by step, achieved their emancipation as a class—to what was this due, if not their barbarism, thanks to which they had not yet arrived at complete slavery, either in the form of the ancient labour slavery or in that of the oriental house slavery?

All that was vital and life-bringing that the Germans infused into the Roman world was barbarism. In fact, only barbarians are capable of rejuvenating a world labouring in the throes of a dying civilization. And the higher stage of barbarism, to which and in which the Germans worked their way up, previous to the migration of peoples, was the most favourable one for this process. This explains everything.

CHAPTER NINE

BARBARISM AND CIVILIZATION

We have traced the dissolution of the gentile order in the three great examples: Greek, Roman, and German. We will investigate, in conclusion, the general economic conditions that had already undermined the gentile organization of society in the upper stage of barbarism and finally abolished it with the advent of civilization. For this, Marx's *Capital* will be as necessary as Morgan's book.

Growing out of the middle stage and developing further in the upper stage of savagery, the gens reached its prime, as far as our sources enable us to judge, in the lower stage of barbarism. With this stage, then, we will begin our investigation.

At this stage, for which the American Indians must serve as our example, we find the gentile system fully developed. A tribe was divided up into several, in most cases, two gentes; with the increase of the population, these original gentes again divided into several daughter gentes, in relation to which the mother gens appeared as the phratry; the tribe itself split up into several tribes, in each of which, in most cases, we again find the old gentes. In some cases, at least, a confederacy united the kindred tribes. This simple organization was fully adequate for the social conditions from which it sprang. It was nothing more than the spontaneous, natural grouping, capable of smoothing out all internal conflicts likely to arise in a society organized on these lines. External conflicts were settled by war, which could end in the annihilation of a tribe, but never in its subjugation. The grandeur, and at the same time, the limitation of the gentile order was that it found no place for rulers and ruled. There was as yet no distinction between rights and duties; the question of whether participation in public affairs, blood revenge, or atonement for injuries were rights or duties never confronted the Indian; it would have appeared as absurd to him as the question of whether eating, sleeping or hunting were rights or duties. Nor could any tribe

or gens split up into different classes. This leads us to the investigation of the economic basis of those conditions.

The population was very sparse: it was concentrated in the habitat of the tribe, surrounded by its wide hunting grounds and beyond these the neutral protective forests which separated it from other tribes. Division of labour was quite primitive; the work was simply divided between the two sexes. The men went to war, hunted, fished, provided the raw material for food and the tools necessary for these pursuits. The women cared for the house, and prepared food and clothing; they cooked, weaved and sewed. Each was master in his or her own field of activity; the men in the forest, the women in the house. They owned the tools they made and used: the men, the weapons and the hunting and fishing tackle, the women, the household goods and utensils. The household was communistic, comprising several, and often many, families.* Whatever was produced and used in common, was common property: the house, the garden, the long boat. Here, and only here, then, do we find the "earned property" which jurists and economists have attributed to civilized society, the last false legal pretext on which modern capitalist property rests.

But man did not everywhere remain in this stage. In Asia he found animals that could be domesticated and propagated in captivity. The wild buffalo cow had to be hunted down; the domestic cow gave birth to a calf once a year, and also provided milk. A number of the most advanced tribes—Aryans, Semites, perhaps also the Turanians—made the taming, and later the raising and tending of domestic animals their principal occupation. Pastoral tribes singled themselves out of the rest of the barbarians: *this was the first great social division of labour.* These pastoral tribes not only produced more articles of food, but also a greater variety than the rest of the barbarians. They not only had milk, milk products and meat in greater abundance than the others, but also skins, wool, goat's hair, and the spun and woven fabrics which the growing abundance of the raw material brought into common use. This, for the first time, made a regular exchange of products possible. In the preceding stages, exchange could only take place occasionally; exceptional ability in manufacturing weapons and tools may have led to a transient division of labour. Thus, unquestionable remains of workshops for stone implements of the neolithic period have been found in many places. The artists who developed their ability in those workshops most probably worked for the community, as the permanent handicraftsmen of the Indian gentile

* Especially on the northwest coast of America: see Bancroft. Among the Haidahs of the Queen Charlotte Islands some households gather as many as seven hundred members under one roof. Among the Nootkas, whole tribes lived under one roof.—*F. E.*

order still do. At any rate, no other exchange than that within the tribe could exist in that stage, and even that was an exception. After the pastoral tribes had singled themselves out, however, we find all the conditions favourable for exchange between members of different tribes, and for its further development and establishment as a regular institution. Originally, tribe exchanged with tribe through the agency of their gentile chiefs. When, however, the herds began to pass into private hands, exchange between individuals predominated more and more, until eventually it became the sole form. The principal article which the pastoral tribes offered their neighbours for exchange was cattle; cattle became the commodity by which all other commodities were appraised, and was everywhere readily taken in exchange for other commodities—in short, cattle assumed the function of money and served as money already at this stage. Such was the necessity and rapidity with which the demand for a money commodity developed at the very beginning of exchange of commodities.

Horticulture, probably unknown to the Asiatic barbarians of the lower stage, arose, at the latest, at the middle stage of barbarism, as the forerunner of agriculture. The climate of the Turanian Highlands does not admit of a pastoral life without a supply of fodder for the long and severe winter. Hence, the cultivation of meadows and grain was indispensable. The same is true of the steppes north of the Black Sea. Once grain was grown for cattle, it soon became human food. The cultivated land still remained tribal property and was assigned first to the gens, which, later, in its turn distributed it to the household communities for their use, and finally to individuals; these may have had certain rights of tenure, but no more.

Of the industrial acquisitions of this stage two are particularly important. The first is the weaving loom, the second the smelting of metal ore and the working up of metals. Copper, tin, and their alloy, bronze, were by far the most important; bronze furnished useful tools and weapons, but could not displace stone implements. Only iron could do that, but the production of iron was as yet unknown. Gold and silver were already used for ornament and decoration, and must already have been of far higher value than copper and bronze.

The increase of production in all branches—cattle breeding, agriculture, domestic handicrafts—enabled human labour power to produce more than was necessary for its maintenance. At the same time, it increased the amount of work that daily fell to the lot of every member of the gens, household community, or single family. The acquisition of more labour power became desirable. This was furnished by war; captives were made slaves. Under the given historical conditions, the first great

social division of labour, by increasing the productivity of labour, i.e., wealth, and enlarging the field of production, necessarily carried slavery in its wake. Out of the first great social division of labour arose the first great division of society into two classes: masters and slaves, exploiters and exploited.

How and when the herds were converted from the common property of the tribe, or gens, into the property of the individual heads of families, we do not know to this day; but it must have occurred, in the main, in this stage. The herds and the other new objects of wealth brought about a revolution in the family. Procuring the means of subsistence had always been the business of the man; he manufactured and owned the tools of production. The herds were the new tools of production, and their original taming and tending was his work. Hence, he owned the cattle and the commodities, and the slaves obtained in exchange for them. All the surplus now resulting from production fell to the man; the woman shared in consuming it, but she had no share in owning it. The "savage" warrior and hunter had been content to occupy second place in the house and give precedence to the woman. The "gentler" shepherd, backed by his wealth, pushed forward to first place and forced the woman into second place. And she could not complain. Division of labour in the family had regulated the distribution of property between man and wife. This division of labour remained unchanged, and yet it put the former domestic relation topsy turvy simply because the division of labour outside the family had changed. The very cause that had formerly made the woman supreme in the house, viz., her being confined to domestic work, now assured supremacy for the man: the woman's housework lost its significance compared with the man's work in obtaining a livelihood; the latter was everything, the former a negligible auxiliary. Here we see already that the emancipation of women and their equality with men are impossible and must remain so as long as women are excluded from social production and restricted to housework. The emancipation of women becomes possible only when women are enabled to take part in production on a large, social scale, and when domestic duties require their attention only to a minor degree. And this has become possible only as a result of modern large-scale industry, which not only permits of the participation of women in production in large numbers, but actually calls for it and, moreover, strives to convert domestic work also into a public industry.

The achievement of actual supremacy in the house threw down the last barrier to the man's autocracy. This autocracy was confirmed and perpetuated by the overthrow of mother-right, the introduction of father-right and the gradual transition from the pairing family to monogamy.

This made a breach in the old gentile order: The monogamic family became a power and rose threateningly against the gens.

The next step brings us to the upper stage of barbarism, the period in which all civilized nations passed through their Heroic Age: it is the period of the iron sword, but also of the iron ploughshare and axe. Iron became the servant of man, the last and most important of all raw materials that played a historical, revolutionary role, the last—if we except the potato. Iron made possible agriculture on a larger scale and the clearing of extensive forest tracts for cultivation; it gave the craftsman a tool of such hardness and sharpness that no stone, no other known metal, could withstand it. All this came about gradually; the first iron produced was often softer than bronze. Thus, stone implements disappeared very slowly; stone axes were still used in battle not only in the Hildebrand Song, but also at the battle of Hastings, in 1066. But progress was now irresistible, less interrupted and more rapid. The town, inclosing houses of stone or brick within its turreted and crested stone walls, became the central seat of the tribe or confederacy of tribes. It marked rapid progress in the art of building; but it was also a symptom of increased danger and of the need for protection. Wealth increased rapidly, but it was the wealth of private individuals. Weaving, metal work and the other crafts that were becoming more and more specialized displayed increasing variety and artistic finish in their products; agriculture now provided not only cereals, leguminous plants and fruit, but also oil and wine, the preparation of which had now been learned. Such diverse activities could not be conducted by any single individual; *the second great division of labour took place*: handicrafts separated from agriculture. The continued increase of production and with it the increased productivity of labour enhanced the value of human labour power. Slavery, which had been a rising and sporadic factor in the preceding stage, now became an essential part of the social system. The slaves ceased to be simply assistants, they were now driven in scores to work in the fields and workshops. The division of production into two great branches, agriculture and handicrafts, gave rise to production for exchange, the production of commodities; and with it came trade, not only in the interior and on the tribal boundaries, but also overseas. All this was still very undeveloped; the precious metals gained preference as the universal money commodity, but it was not yet minted and was exchanged merely by bare weight.

The distinction between rich and poor was added to that between free men and slaves—and with the new division of labour came a new class division of society. The differences in the wealth of the various heads of families caused the old communistic households to break up

wherever they had still been preserved; and this put an end to the common cultivation of the soil for the account of the community. The cultivated land was assigned for use to the several families, first for a limited time and later in perpetuity; the transition to complete private ownership was accomplished gradually and simultaneously with the transition from the pairing family to monogamy. The individual family began to be the economic unit of society.

The increased density of the population necessitated closer consolidation against internal and external foes. The federation of kindred tribes became a necessity, and soon after, their amalgamation; and thence the amalgamation of the separate tribal territories into one national territory. The military commander—rex, basileus, thiudans—became an indispensable and permanent official. The popular assembly was instituted wherever it did not yet exist. The military commander, the council of chiefs, and the popular assembly formed the organs of the military democracy that had grown out of the gentile constitution. A military democracy—because war and organization for war were now regular functions of national life. The wealth of the neighbours excited the greed of the peoples who began to regard the acquisition of wealth as one of the main purposes of life. They were barbarians: plunder appeared to them easier and even more honourable than production. War, once waged simply to avenge aggression or as a means of enlarging territory that had become too restricted, was now waged for the sake of plunder alone, and became a regular profession. It was not for nothing that threatening walls towered around the new fortified towns: their yawning moats were the graves of the gentile constitution, and their turrets already reached up into civilization. Internal affairs underwent a similar change. The robber wars increased the power of the supreme military commander as well as of the sub-commanders. The customary election of successors from one family, especially after the introduction of father-right, was gradually transformed into hereditary succession, first tolerated, then claimed and finally usurped; the foundation of hereditary royalty and hereditary nobility was laid. In this manner the organs of the gentile constitution were gradually torn from their roots in the people, tribe, phratry and gens, and the whole gentile order was transformed into its antithesis: from an organization of tribes for the free adminstration of their own affairs it was transformed into an organization for plundering and oppressing their neighbours; and correspondingly, its organs were transformed from instruments of the will of the people into the independent organs for ruling and oppressing their own people. This could not have happened had not the greed for wealth divided the members of the gentes into rich and poor; had not the "difference of property in a gens changed

the community of interest into antagonism between members of a gens" (*Marx*); and had not the growth of slavery already begun to cause working for a living to be branded as slavish and more ignominious than engaging in plunder.

* * *

This brings us to the threshold of civilization. This stage is inaugurated by further progress in division of labour. In the lower stage of barbarism production was carried on for use only; exchange was confined to single cases when a surplus was accidentally obtained. In the middle stage of barbarism we find that the pastoral peoples have in their cattle a form of property which, with sufficiently large herds, can regularly provide a surplus over and above their needs; and we also find a division of labour between the pastoral peoples and backward tribes without herds, so that there were two different stages of production side by side, which created the conditions for regular exchange. The upper stage of barbarism introduced a new division of labour as between agriculture and handicrafts, resulting in the production of a continually increasing quantity of commodities especially for the purpose of exchange, so that exchange between individual producers became a vital necessity for society. Civilization strengthened and increased all the established divisions of labour, particularly by intensifying the antagonism between town and country (either the town may have economic supremacy over the country, as was the case in antiquity, or vice versa, as in the Middle Ages) and added a third division of labour, peculiar to itself and vitally important: it created a class that took no part in production, but engaged exclusively in exchanging products—*the merchants.* All previous trends towards the formation of classes were exclusively connected with production; they divided those engaged in production into supervisors and supervised, or into producers on a large scale and producers on a small scale. Here, however, a class appears for the first time which, without taking any part in production, captures control of production in general and economically subjugates the producers to its rule; a class that makes itself the indispensable intermediary between two producers and exploits them both. On the pretext of saving the producers the trouble and risk of exchange, of finding distant markets for their products, and so claiming to have become the most useful class in society, a class of parasites arises, genuine social ichneumones, who, as a reward for very insignificant real services, skim the cream off production at home and abroad, rapidly amass enormous wealth and corresponding social influence, and for this reason reap ever new honours and gain increasing control over production

during the period of civilization, until they at last create a product of their own—periodical commercial crises.

At the stage of development we are discussing, our young merchant class had no inkling as yet of the big things that were in store for it. But it continued to grow and make itself indispensable, and that was sufficient. With it, however, *metal money*, minted coins, came into use, and with this a new means by which the non-producer could rule the producers and their products. The commodity of commodities which concealed within itself all other commodities was discovered; the charm that could be transformed at will into anything desirable and desired. Whoever possessed it ruled the world of production; and who had it above all others? The merchant. In his hands the cult of money was safe. He took care to make it plain that all commodities, and hence all producers, must grovel in the dust before money. He proved by practice that all other forms of wealth were mere semblances compared with this incarnation of wealth as such. Never has the power of money revealed itself with such primitive crudity and violence as it did in this period of its youth. After the sale of commodities for money came the borrowing of money, resulting in interest and usury. And no legislation of any later period throws the debtor so pitilessly and helplessly at the feet of the usurious creditor as the ancient Greek and Roman codes—both the spontaneous products of common law, exclusively the result of economic pressure.

Besides wealth in commodities and slaves, and besides money wealth, wealth in the form of land came into being. The titles of individuals to land formerly assigned to them by the gens or tribe had become so well established that it became their hereditary property. The thing they had been striving for most just before that time was liberation from the claim of the gentile community to their land, a claim which had become a veritable fetter for them. They were freed from this fetter—but soon after they were also freed from their land. The full, free ownership of land implies not only unrestricted and uncurtailed possession, but also the right to sell. As long as the land belonged to the gens this was impossible. But when the new landowner shook off the chains of the superior claim of the gens and tribe, he also tore the bond that had so long tied him inseparably to the soil. What that meant was made plain to him by the money invented simultaneously with the advent of private property in land. Land could now become a commodity which could be sold and pledged. Hardly had the private ownership of land been introduced than mortgage was discovered (see Athens). Just as hetaerism and prostitution clung to the heels of monogamy, so from now on mortgage clung to

private ownership of land. You clamoured for free, full, saleable land. Well, here you have it—tu l'as voulu, Georges Dandin!

Commercial expansion, money, usury, landed property and mortgage were thus accompanied by the rapid concentration and centralization of wealth in the hands of a small class, on the one hand, and by the increasing impoverishment of the masses and a growing mass of paupers on the other. The new aristocracy of wealth, in so far as it did not from the outset coincide with the old tribal aristocracy, forced the latter permanently into the background (in Athens, in Rome, among the Germans). And this division of free men into classes according to their wealth was accompanied, especially in Greece, by an enormous increase in the number of slaves* whose forced labour formed the basis on which the whole superstructure of society was reared.

Let us now see what became of the gentile constitution as a result of this social revolution. It stood powerless in face of the new elements that had grown up without its aid. It was dependent on the condition that the members of a gens, or of a tribe, should live together in the same territory and be its sole inhabitants. This had long ceased to be the case. Gentes and tribes were everywhere mixed up; everywhere slaves, wards and foreigners lived among the citizens. The settled state which had been acquired only towards the end of the middle stage of barbarism was time and again interrupted by migrations and changes of abode, owing to the dictates of commerce, changes of occupation and the transfer of land. The members of the gentile organization could no longer meet for the purpose of discussing their common affairs; only matters of little importance, such as religious festivals, were still indifferently observed. Beside the wants and interests for the care of which the gentile organs were appointed and fitted, new wants and interests had arisen from the revolution in the conditions of existence and the resulting change in social classification. These new wants and interests were not only alien to the old gentile order, but thwarted it in every way. The interests of the groups of craftsmen created by division of labour, and the special needs of the towns as opposed to the country, required new organs; but each of these groups was composed of people from different gentes, phratries, and tribes; they even included aliens. Hence, the new organs necessarily had to form outside the gentile constitution, parallel with it, and that meant against it. And again, in every gentile organization the conflict of interests made itself felt and reached its apex by combining rich and poor, usurers and debtors, in the same gens and tribe. Then there

* The number of slaves in Athens was 365,000. In Corinth, at its zenith, it was 460,000, and in Aegina 470,000: in both, ten times the number of free citizens.—*F. E.*

was the mass of inhabitants, strangers to the gentile communities, who, as in Rome, could become a power in the land, and were too numerous to be gradually absorbed by the consanguine gentes and tribes. The gentile communities confronted these masses as exclusive, privileged bodies; what had originally been a natural democracy had been transformed into a hateful aristocracy. Lastly, the gentile constitution had grown out of a society that knew no internal antagonisms, and was adapted only to such a society. It had no coercive power except public opinion. But now a society had developed that by the force of all its economic conditions of existence had to split up into freemen and slaves, into exploiting rich and exploited poor; a society that was not only incapable of reconciling these antagonisms, but was driving them more and more to a head. Such a society could only exist, either in a state of continuous, open struggle of these classes against one another, or under the rule of a third power which, while ostensibly standing above the struggling classes, suppressed their open conflict and permitted a class struggle only on the economic field, in a so-called legal form. The gentile constitution died out. It was destroyed by the division of labour and by its result, the division of society into classes. Its place was taken by the *state*.

* * *

In the preceding chapters we discussed separately each of the three main forms in which the state was built up on the ruins of the gentile constitution. Athens represented the purest, classical form: here the state sprang directly and mainly out of class antagonisms that developed within gentile society. In Rome the gentile organization became an exclusive aristocracy amidst numerous plebeians, standing outside of it, having no rights, but only duties. The victory of the plebeians burst the old gentile constitution asunder and erected on its ruins the state, in which both the gentile aristocracy and the plebeians were soon absorbed. Finally, among the German conquerors of the Roman Empire, the state sprang up as a direct result of the conquest of large foreign territories, which the gentile constitution had no means of controlling. As this conquest did not necessitate either a serious struggle with the indigenous population or a more advanced division of labour, and as conquerors and conquered were almost in the same stage of economic development, the economic basis of society remained unchanged, and the gentile constitution could continue for many centuries in a changed, territorial form in the shape of a mark constitution, and even rejuvenate itself for a time in a modified

form in the aristocratic and patrician families of later years, or even in peasant families, as e.g., in Dithmarschen.*

The state, then, is by no means a power forced on society from outside; nor is it the "reality of the moral idea," "the image and the reality of reason," as Hegel maintains. It is rather a product of society at a certain stage of development; it is the admission that this society has become entangled in an insoluble contradiction with itself, that it is cleft into irreconcilable antagonisms which it is powerless to dispel. In order that these antagonisms, these classes with conflicting economic interests may not annihilate each other and society in sterile struggle, a power, apparently standing above society, became necessary for the purpose of moderating the conflict and keeping it within the bounds of "order"; and this power, arising out of society, but placing itself over it, and increasingly alienating itself from it, is the state.

The state differs from the old gentile organization, firstly, in that it divides its citizens *according to territory*. As we have seen, the old gentile communities, built upon and held together by ties of blood, became inadequate, largely because they assumed that the members were bound to a given territory, a condition which had long ceased to exist. The territory remained, but the people became more mobile. Hence, division according to territory was taken as the point of departure, and citizens were allowed to exercise their rights and duties wherever they settled, irrespective of gens and tribe. This organization of citizens according to territory is a feature common to all states. That is why it seems natural to us; but we have seen what long and arduous struggles were needed before it could replace, in Athens and Rome, the old organization according to tribes.

The second is the establishment of a *public power of coercion* which no longer coincided with the people organized as an armed force. This special power of coercion was necessary, because an independent armed organization of the population became impossible with the division of society into classes. The slaves also belonged to the population; the 90,000 citizens of Athens formed only a privileged class as against the 365,000 slaves. The people's army of the Athenian democracy was an aristocratic public power as against the slaves, whom it kept in restraint; we have seen, however, that a gendarmerie also became necessary to keep the citizens in restraint, as we related above. This public power of coercion exists in every state; it is not only composed of armed men, but also of material accessories such as prisons and institutions of coercion

* The first historian who had at least an approximate idea of the nature of the gens was Niebuhr, thanks to his knowledge of the Dithmarschen families—which, however, is also responsible for his errors.—*F. E.*

of all kinds, of which gentile society knew nothing. It may be very insignificant, almost infinitesimal, in societies where class antagonisms are undeveloped and in out of the way places, as was the case in certain times and in certain regions in the United States. It becomes stronger, however, in proportion as class antagonisms in the state become more acute, and as neighbouring states become larger and more populated. It is sufficient to glance at our modern Europe, where the class struggles and rivalry in conquest have raised the public power to such a height that it threatens to swallow the whole of society and the state itself.

In order to maintain this public power, contributions from the citizens become necessary—*taxes*. These were absolutely unknown in gentile society; but we know enough about them today. As civilization advances, these taxes become inadequate; the state makes drafts on the future, contracts loans, *public debts*. Old Europe can tell a tale about these too.

In possession of the public power and of the right to impose taxes, the officials are now organs of society standing *over* society. The free and voluntary respect that was accorded to the organs of the gentile constitution does not satisfy them, even if they could get it; being the representatives of a power that is divorced from society, respect for them must be enforced by means of exceptional laws which make them specially sacred and inviolable. The lowest police officer in the civilized state has more "authority" than all the organs of gentile society put together; but the most powerful prince and the greatest statesman, or general, of civilization may envy the humblest gentile sachem for the spontaneous and undisputed respect that was paid to him. The one stood in the midst of society, the other is forced to assume a position outside and over it.

The state came into existence owing to the necessity of curbing class antagonisms; but having arisen amidst these conflicts, it, as a rule, is the state of the most powerful class, the class which rules in economics and with its aid, becomes also the class which rules in politics, and thus acquires new means of holding down and exploiting the oppressed class. Thus, the state of antiquity was the state of the slave owners for the purpose of holding down the slaves, as the feudal state was the organ of the nobility for holding down the peasant serfs and bondsmen, and the modern representative state is a tool for the exploitation of wage labour by capital. There are periods in which, as an exception, the conflicting classes balance each other so nearly that the public power for a time gains a certain degree of independence of both, seemingly as a mediator between them. Such was the case with the absolute monarchy of the seventeenth and eighteenth centuries which held the balance between the nobility and the burghers; such was the case with Bonapartism in the First, and still more in the Second Empire, which played the proletariat

against the bourgeoisie and the bourgeoisie against the proletariat. The latest performance of this kind, in which ruler and ruled appear equally ridiculous, is the new German Empire of the Bismarck nation: here capitalists and workers are balanced against each other and equally cheated for the benefit of the depraved Prussian cabbage junkers.

In most of the historical states, the rights of citizens are apportioned according to their wealth, thus directly expressing the fact that the state is organized for the protection of the possessing class against the non-possessing class. This was already seen in the Athenian and Roman property qualifications. It was seen in the medieval feudal state, in which political power was commensurate with the amount of land owned. It is seen in the electoral qualifications of the modern representative states. The political recognition of differences in wealth is by no means essential. On the contrary, it marks a low stage of state development. The highest form of the state, the democratic republic, the form of state which under our modern conditions of society is more and more becoming an unavoidable necessity, and in which alone the last decisive struggle between proletariat and bourgeoisie can be fought out—the democratic republic officially knows nothing of property distinctions. In it wealth exercises its power indirectly, but all the more surely. This is done either by the direct corruption of officials, of which the United States provides the classical example, or by an alliance between the government and Stock Exchange, which becomes easier to achieve the more the public debt increases and the more joint stock companies concentrate in their hands not only the means of transport, but also production itself, using the Stock Exchange as their centre. The United States and the latest French republic are striking examples; and good old Switzerland has contributed its share in this field. That a democratic republic is not essential for this bond of fraternity between the government and the Stock Exchange is proved by England and also by the new German Empire, where it is difficult to say who was elevated most by universal suffrage, Bismarck or Bleichroeder. And lastly, the possessing class rules directly through the medium of universal suffrage. As long as the oppressed class, in our case the proletariat, is not yet ripe to emancipate itself, the majority of them will regard the existing order of society as the only one possible, and, politically, will form the tail of the capitalist class, its extreme left wing. To the extent, however, that the proletariat matures for its self-emancipation, it will constitute itself as its own party and elect its own representatives, and not the capitalists'. Thus, universal suffrage is the gauge of the maturity of the working class. It cannot and never will be anything more in the modern state; but that is sufficient. On the day the ther-

mometer of universal suffrage registers boiling point among the workers, both they and the capitalists will know what it is all about.

The state, then, has not existed from all eternity. There have been societies that did without it, that had no idea of what the state and state power mean. At a certain stage of economic development, which was necessarily accompanied by the division of society into classes, the state became necessary as a result of this division. We are now rapidly approaching a stage in the development of production in which the existence of classes not only ceases to be a necessity, but becomes a positive fetter on production. They will fall as inevitably as they arose. With them the state will inevitably fall. The society that will reorganize production on the basis of the free and equal association of the producers will put the machinery of state where it will then belong: into the Museum of Antiquities by the side of the spinning wheel and the bronze axe.

* * *

Thus, from the foregoing we have seen that civilization is that stage of society in which division of labour, the resulting exchange between individuals, and the production of commodities which combines the two, reach their fullest development and revolutionize the whole of hitherto existing society.

Production in all former stages of society was mainly collective, and consumption took place by the direct distribution of the products within larger or smaller communistic communities. This production in common was carried on within the narrowest limits, but the producers were masters of the process of production and of the product. They knew what became of the product: they consumed it, it did not leave their hands; and as long as production was carried on on this basis, it could not grow beyond the control of the producers, and it could not raise any strange, phantom forces against them, as is the regular and inevitable rule under civilization.

But gradually, division of labour permeated this process of production. It undermined the collective nature of production and appropriation, it made appropriation by individuals the prevailing rule, and thus introduced exchange between individuals—how this came about, we examined above. Gradually, the production of commodities became the prevailing form.

With the production of commodities, in which production is not carried on to satisfy one's own needs, but for the purpose of exchange, the products necessarily pass from hand to hand. The producer parts with his product in the course of exchange; he no longer knows what becomes

of it. With the advent of money, and with it of the merchant, who steps in as a middleman between the producers, the process of exchange becomes still more complicated; the ultimate fate of the product becomes still more uncertain. The merchants are numerous and one does not know what the other is doing. Commodities now pass not only from hand to hand, but also from market to market. The producers have lost control of production in their various spheres, and the merchants have not acquired it. Products and production become the playthings of chance.

But chance is only one pole of an interrelation, the other pole of which is called necessity. In nature, where chance also seems to reign, we have long ago demonstrated the innate necessity and law that determines this chance in each particular field. What is true of nature, holds good also for society. The more a social function, or series of social phenomena, becomes too powerful for conscious human control, grows beyond human reach; the more it seems to have been left to pure chance, the more does its peculiar and innate laws operate in this chance, as if by natural necessity. Such laws also control the fortuities of the production and exchange of commodities; these laws confront the individual producers and exchangers as strange and, at first, even as unknown forces, the nature of which must be laboriously investigated and ascertained. These economic laws of production are modified by the different stages of development of this form of production; on the whole, however, the entire period of civilization has been dominated by these laws. To this day, the product is master of the producer; to this day, the total production of society is regulated, not by a collectively thought-out plan, but by blind laws, which operate with elemental force, in the last resort, in the storms of periodical commercial crises.

We saw above that human labour power was able at a very early stage of production to produce considerably more than was needed for the producer's maintenance, and that this stage, in the main, coincided with the first appearance of the division of labour and of exchange between individuals. Now, it was not long before the great "truth" was discovered that man, too, may be a commodity, and that human labour power may be exchanged and exploited by converting a man into a slave. Men had barely started to engage in exchange when men themselves were exchanged. The active became a passive, whether man wanted it or not.

With slavery, which reached its fullest development in civilization, came the first great division of society into an exploiting and an exploited class. This division has continued during the whole period of civilization. Slavery was the first form of exploitation, peculiar to the world of antiquity; it was followed by serfdom in the Middle Ages, and by wage

labour in modern times. These are the three great forms of servitude, characteristic of the three great epochs of civilization; open and, in modern times, disguised slavery has always accompanied it.

The stage of commodity production, with which civilization began, is marked economically by the introduction of (1) metal money and, thus, of money capital, interest and usury; (2) the merchants acting as middlemen between producers; (3) private ownership of land and mortgage; (4) slave labour as the prevailing form of production. The form of the family corresponding to civilization and under it becoming the definitely prevailing form is monogamy, the supremacy of the man over the woman, and the individual family as the economic unit of society. The binding force of civilized society is the state, which in all the typical periods is exclusively the state of the ruling class, and in all cases essentially a machine for keeping down the oppressed and exploited class. Other marks of civilization are: on the one hand, the permanent antithesis between town and country as the basis of the entire division of social labour; on the other hand, the introduction of the bequest, by which the property holder is able to dispose of his property even after his death. This institution, which was a direct blow at the old gentile constitution, was unknown in Athens until the time of Solon; in Rome it was introduced very early, but we do not know when.* Among the Germans it was introduced by the priests in order that the honest German might without hindrance bequeath his property to the Church.

With this fundamental constitution, civilization has accomplished things for which the old gentile society was totally unfitted. But it accomplished them by playing on the most sordid instincts and passions of man, and by developing them at the expense of all his other faculties. Naked greed has been the moving spirit of civilization from the first day of its existence to the present time; wealth, more wealth and wealth again; wealth, not for society, but for this miserable individual, was its sole and determining aim. If, in the pursuit of this aim, the increasing development of science and repeated periods of the fullest blooming of art fell into its lap,

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* Lassalle's *System der erworbenen Rechte* (*System of Acquired Rights*) turns, in its second part, mainly around the proposition that the Roman bequest is as old as Rome itself, and that in Roman history there was never "a time when the bequest did not exist"; that the bequest arose in pre-Roman times out of the cult of the dead. As a confirmed Hegelian of the old school, Lassalle traced the provisions of the Roman law, not to the social condition of the Romans, but to the "speculative conception" of will, and thus arrives at this totally anti-historic assertion. This is not to be wondered at in a book that from the same speculative conception draws the conclusion that the transfer of property was purely a secondary matter in Roman inheritance. Lassalle not only believes in the illusions of Roman jurists, especially of the earlier ones, but he even excels them.—*F. E.*

it was only because without them the full realization of the attributes of wealth would have been impossible in our time.

Since the exploitation of one class by another is the basis of civilization, its whole development moves in a continuous contradiction. Every advance in the sphere of production is at the same time a retrogression in the conditions of the oppressed class, that is, of the great majority. What is a boon for one is bane for another; the emancipation of one class always means the oppression of another class. The most striking proof of this is furnished by the introduction of machinery, the effects of which are well known today. And while among barbarians, as we have seen, hardly any distinction could be made between rights and duties, civilization makes the difference and contradiction between these two plain even to the dullest mind by giving one class nearly all the rights and assigning to the other class nearly all the duties.

But this is not what ought to be. What is good for the ruling class should be good for the whole of society, with which the ruling class identifies itself. That is why the more civilization advances, the more it is compelled to cover the evils it necessarily creates with the cloak of love, to excuse them, or to deny their existence; in short, to introduce conventional hypocrisy—unknown both in previous forms of society and in the earliest stages of civilization—that culminates in the declaration: The exploiting class exploits the oppressed class solely in the interest of the exploited class itself; and if the latter fails to recognize this, and even becomes rebellious, it thereby shows the worst ingratitude to its benefactors, the exploiters.*

And now, in conclusion, let me add Morgan's verdict on civilization:

"Since the advent of civilization, the outgrowth of property has been so immense, its forms so diversified, its uses so expanding and its management so intelligent in the interest of its owners that *it has become, on the part of the people, an unmanageable power. The human mind stands bewildered in the presence of its own creation.* The time will come, nevertheless, when human intelligence will rise to the mastery over property, and define the relations of the state to the property it protects, as well as the obligations and the limits of the rights of its owners. The

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* I had intended at the outset to place the brilliant critique of civilization, scattered through the works of Fourier, by the side of Morgan's and my own. Unfortunately, I cannot spare the time. I only wish to remark that Fourier already considered monogamy and private property in land as the main characteristics of civilization, and that he described them as a war of the rich against the poor. We also find in his work the deep appreciation of the fact that in all imperfect societies, those torn by conflicting interests, the individual families (les familles incohérentes) are the economic units.—*F. E.*

interests of society are paramount to individual interests, and the two must be brought into just and harmonious relations. A mere property career is not the final destiny of mankind, if progress is to be the law of the future as it has been of the past. The time which has passed away since civilization began is but a fragment of the past duration of man's existence; and but a fragment of the ages yet to come. The dissolution of society bids fair to become the termination of a career of which property is the end and aim, because such a career contains the elements of self-destruction. Democracy in government, brotherhood in society, equality in rights and privileges, and universal education, foreshadow the next higher plane of society to which experience, intelligence and knowledge are steadily tending. *It will be a revival, in a higher form, of the liberty, equality and fraternity of the ancient gentes.*" (Morgan, *Ancient Society,* pp. 561-62.)

APPENDIX

F. ENGELS

A NEWLY DISCOVERED CASE OF GROUP MARRIAGE

(From *Neue Zeit*, 1892, Vol. XI, No. 1, pp. 373-75)

Recently it has become the fashion among certain rationalist ethnographists to deny the existence of group marriage. Hence, the following report, which I have translated from *Russkie Vedomosti* (*Russian Gazette*), Moscow, October 14, 1892, Old Style, will be of interest. Not only is group marriage, e.g., the right of sexual intercourse between a number of men and a number of women, expressly stated to be in full practice, but it is shown to bear a form closely identical with the punalua marriage of the Hawaiians, that is, one of the most developed and most classical phases of group marriage. Whereas the typical punaluan family consisted of a number of brothers (natural and remote) married to a number of natural and remote sisters, on the Island of Sakhalin we find that a man is married to all his brothers' wives and to all his wife's sisters, which, from the female viewpoint, means that his wife has the right to have free sexual intercourse with her husband's brothers and her sisters' husbands. Thus, the only difference between this and the typical form of punalua marriage is that the husband's brothers and the sisters' husbands are not necessarily the same persons.

It is to be observed, further, that the report also confirms what I stated in *The Origin of the Family*, 4th edition, pp. 28-29*: that group marriage is not quite so horrible as is imagined by the philistine fancy accustomed to the brothel system; that the people married in groups do not lead openly anything like the life of depravity that the philistine leads in secret; and that this form of marriage, at least in those examples of it that still exist today, differs in practice from the loose pairing marriage, or from polygamy, only in that custom allows a number of cases of sexual intercourse which under other circumstances would be severely

* See p. 38 in this volume.—*Ed. Eng. ed.*

punished. The fact that the exercise of this right is gradually dying out only proves that this form of marriage is doomed to extinction, which is confirmed by the rarity of the cases met with now.

For the rest, the whole description is interesting for the reason that it shows once again how similar, and in fundamentals identical, is the social organization of these primitive people who are in about the same stage of development. Most of what is related about these Mongoloids of Sakhalin applies to the Dravidian tribes of India, to the South Sea Islanders at the time of their discovery, and to the American Indians. The report states:

"At a meeting of the Anthropological Section of the Friends of Natural History Society, held on October 10 (October 22, New Style), N. A. Yanchuk reported on an interesting communication made by Mr. Sternberg on the Sakhalin Giliaks, a tribe that has been little investigated, and living on the cultural level of savages. The Giliaks know neither agriculture nor the art of pottery; they obtain their means of subsistence mainly by hunting and fishing; they heat water in a wooden trough by dropping red hot stones into it, etc. Particularly interesting are their family and gens institutions. A Giliak calls his fathers, not only his natural father, but all the latter's brothers; the wives of these brothers, as well as his mother's sisters, he calls his mothers; and the children of all the relations just enumerated, he calls his brothers and sisters. As is well known, a similar terminology prevails among the Iroquois and other Indians in North America, as well as among some tribes in India. Among these, however, this terminology no longer corresponds to existing conditions, whereas among the Giliaks it serves to designate conditions that *exist to this day*. Even today *every Giliak has conjugal rights to the wives of his brothers and the sisters of his wife;* at all events, the exercise of these rights is not regarded as a transgression. These survivals of group marriage are reminiscent of the celebrated punalua family, which still existed in the Sandwich Islands in the first half of the present century. This form of family and gens relationship serves as the basis of the Giliaks' social and gentile organization.

A Giliak's gens consists of all his father's brothers (near and remote, actual and nominal), their fathers and mothers (?), his brothers' children and his own children. Naturally, a gens constituted in this way may have a very large number of members. The life of the gens proceeds on the following principles. Marriage in the gens is absolutely prohibited. The wife of a deceased Giliak passes, on the decision of the gens, to one of his brothers, own or nominal. The gens maintains all its members who are unfit to work. 'There are no beggars among us,' said a Giliak to the

reporter, 'if anybody is poor, the khal (gens) feeds him.' The bond between the members of the gens is: common sacrifices and festivals, a common burial ground, etc.

The gens guarantees the life and safety of every one of its members from attack by members of another gens. The means for this is blood revenge, which, owing to the influence of the Russians, has greatly subsided of late. Women are entirely exempt from the operation of blood revenge. In some cases, extremely rare, members of other gentes are adopted. As a general rule the property of a deceased member must not leave the gens. In this respect, the well-known rule of the Twelve Tables: 'Si suos heredes non habet, gentiles familiam habento'—If he has no heirs, then the members of the gens shall inherit—is in operation in the literal sense of the word among the Giliaks. Not a single important event in the Giliak's life takes place without the participation of the gens. Until comparatively recently, 'one or two generations ago,' the oldest member of the gens was the headman, 'starosta,' of the gens. At the present time, however, the functions of the headman of the gens are confined almost entirely to superintending religious rites. Often the members of the gens are scattered over different parts of the island, very remote from each other; but even though separated, they remember each other, visit each other, help and protect each other, etc. Incidentally, the Giliak does not leave his fellow gentiles or the graves of the gens unless absolute necessity compels him to do so. The life of the gens leaves a strong impress upon the Giliak's mentality, character, ethics and institutions. The habit of discussing all matters collectively, the necessity of having constantly to act in the interests of his fellow gentiles, mutual obligation in matters of blood revenge, the necessity and custom of living in large yurtas together with scores of his fellows, have all served to make the Giliak sociable and communicative. The Giliaks are extremely hospitable, they love to entertain guests and to go visiting themselves. The noble custom of hospitality manifests itself particularly in times of need. In hard years, when the Giliak lacks food for himself and his dogs, he does not beg for alms; he goes off visiting, certain of finding sustenance—and sometimes for a fairly long period.

Among the Giliaks one rarely meets with crime due to selfish motives. The Giliak keeps his valuables in a shed, which is never locked. He is so sensitive to shame that if he is guilty of some shameful act he goes off into the taiga (forest) and hangs himself. Murder among the Giliaks is very rare, and in most cases is committed in moments of extreme excitement; at all events it is never committed for selfish motives. In his relations with others the Giliak displays truthfulness, loyalty to his word and conscientiousness.

Notwithstanding their long subjection to the China-ized Manchurians and the corrupting influence of the disreputable population of the Amur Region, the Giliaks in their morals have retained many of the virtues peculiar to primitive tribes. But the fate of their social system is irrevocably sealed. Another generation or two, and the Giliaks on the mainland will have become completely Russified, and with the benefits of civilization they will acquire all its vices. The Sakhalin Giliaks, being more or less removed from the centres of Russian settlement, have some chance of preserving themselves in their purity somewhat longer. But even on them the Russian population is beginning to exercise its influence. From all the villages they travel to Nikolayevsk to make purchases or to seek employment; and every Giliak who returns from such employment to his native village carries with him the same atmosphere that the town worker carries into the Russian village. Moreover, employment in town, with its vicissitudes of fortune, is more and more destroying the primitive equality which is the predominating feature of the simple economic life of people like the Giliaks.

Mr. Sternberg's essay also contains data on the religious views and customs of the Giliaks, their rites, legal institutions, etc. This essay will be published in *Etnograficheskoye Obozreniye* (*Ethnographical Review*)."

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Bleichroeder, Gerson (1822-1893)—Head of a famous Berlin bank of that name, p. 142.

Bugge, Elseus Sophus (1833-1907)—Norwegian philologist, p. 113.

Caesar, Caius Julius (100-44 B.C.)—Famous Roman military leader and statesman, author of *The History of the Gallic Wars*. pp. 13, 23, 35, 75, 109, 111, 115, 116, 118, 120.

Charlemagne (742-814)—From 768 was king of the Franks, and from 800 was Roman emperor. Founder of the so-called "Holy Empire of the German Nation." pp. 126, 127.

Civilis, Julius (I century A.D.)—Leader of the rebellion of the Batavians and

* Mythological names are omitted.—*Ed. Eng. ed.*

other Germanic tribes against Roman rule in 68 A.D., p. 114.
Cleisthenes (VI century B.C.)—Athenian statesman, p. 96.
Cunow, Heinrich (born 1862)—German ethnologist, p. 50.
Cuvier, Georges, Baron de (1769-1882)—Celebrated French natural scientist, p. 26.

Darwin Charles Robert (1809-1882), p. 15.
de Coulanges—Fustel de Coulanges, Numa Denis (1830-1889)—French historian, p. 85.
Demosthenes (384-322 B.C.)—Greek statesman and famous orator, p. 82.
Dikaearchos (IV century B.C.)—Greek historian and geographer, a pupil of Aristotle, p. 83.
Diodorus, Siculus (I century B.C.)—Greek historian, author of the forty-volume "Historical Library," pp. 113, 120.
Dionysius of Halicarnassus (I century B.C.)—Greek writer of Roman history, p. 86.
Dureau de la Malle, Adolphe (1777-1857)—French economist and historian, p. 106.

Espinas, Alfred Victor (1844-1922)—French biologist and sociologist, p. 29.
Euripides (480-406 B.C.)—Writer of Greek tragedies, p. 53.

Ferdinand the Catholic (1452-1516)—King of Castile and Aragon, p. 44.
Fison, Lorimer (1832-1907)—English missionary and ethnologist. In conjunction with *Howitt*, Alfred William, wrote *Group Marriage Among the Australian Aborigines*, pp. 36, 38.
Fourier, Charles (1772-1837)—French Utopian Socialist, highly esteemed by Marx and Engels for his biting satires on bourgeois society, pp. 16, 59, 128.
Freeman, Edward Augustus (1823-1892)—English historian, p. 6.

Gaius (II century A.D.)—Roman jurist, p. 43.
Giraud-Teulon, Alexis (born 1839)—Franco-Swiss historian, pp. 14, 16, 28, 29, 51.
Gladstone, William Ewart (1809-1898), p. 86.
Goethe, Johann Wolfgang von (1749-1832), p. 32.
Gregory of Tours (539-594)—Bishop, theologian and historian, p. 115.
Grimm, Jakob (1785-1863)—German philologist, p. 112.
Grote, George (1794-1871)—English historian, pp. 82-85.

Hegel, Georg Wilhelm Friedrich (1770-1831), p. 140.
Herod, King of Judea (37 B.C.-4 A.D.), p. 105.
Herodotus (484-425 B.C.)—Ancient Greek historian, pp. 35, 53.
Heussler, Andreas (1834-1921)—Swiss jurist, p. 49.
Homer (IX century B.C.)—Reputed author of the *Iliad* and the *Odyssey*, pp. 23, 52, 85, 86, 88.
Howitt, Alfred William (1830-1908), see *Fison*, p. 38.
Huschke, Georg Philipp Eduard (1830-1909)—German writer on the history of law, p. 103.

Irminon (IX century)—A Frankish Benedictine monk, p. 126.

Kaye, John William (1814-1876)—English ethnologist, p. 35.
Kovalevsky, Maxim Maximovich (1851-1916)—Russian ethnographist and sociologist, pp. 47, 48, 50, 108, 111, 115, 116.

Lange, Ludwig (1825-1885)—German philologist and historian, p. 103.
Lassalle, Ferdinand (1825-1864), p. 145.
Latham, Robert Gordon (1812-1888)—English philologist and ethnographist, p. 11.
Letourneau, Charles Jean Marie (1831-1902)—French sociologist, pp. 28, 31.

Livy, Titus (59 B.C.-19 A.D.)—Author of 142 volumes of Roman history entitled *From the Foundation of the City*, pp. 102, 103.
Longus (III-II century B.C.)—Greek author, p. 63.
Lubbock, John (1834-1913)—English natural scientist, archaeologist and historian, p. 14.
Luitprand of Cremona (929-972)—Bishop, author of a series of chonicles, p.123.

McLennan, John Ferguson (1827-1881)—English jurist and historian, pp. 10-16, 26, 40, 51, 71, 108.
Maine, Henry James Sumner (1822-1888)—English writer on the history of law and sociology, p. 65.
Marx, Karl (1818-1883), pp. 5, 15, 16, 26, 32, 34, 47, 48, 52, 54, 57, 81, 83, 84, 86, 88, 130, 136.
Maurer, Georg Ludwig, Ritter von (1790-1872)—German historian, author of fundamental works on the social and economic conditions of the ancient Germans, pp. 78, 114, 115.
Mommsen, Theodor (1817-1903)—German historian and liberal statesman, pp. 83, 101-105.
Morgan, Lewis Henry (1818-1881), pp. 5, 6, 7, 11-16, 19, 20, 24, 25, 26, 27, 31, 33, 36, 39, 55, 68-71, 78, 84, 86, 88, 90, 97, 104, 111, 130, 147.
Moschus (about 250 B.C.)—Greek poet, p. 63.

Napoleon I (1769-1821), pp. 51, 56, 71.
Nearchos (IV century B.C.)—Admiral of Alexander the Great. Fragments of his description of the latter's Indian campaign have come down to our times, p. 50.
Niebuhr, Barthold Georg (1776-1831)—German historian, pp. 83, 85, 104, 140.

Odoaker (died 493)—German military leader in the service of Rome. Overthrew Romulus Augustus, last emperor of Rome, and proclaimed himself King of the East Goths in Italy, p. 118.

Perseus (212-166 B.C.)—Last king of ancient Macedonia, p. 120.
Pisistratus (605-527 B.C.)—First tyrant in Athens, p. 98.
Pliny the Younger (62-113 A.D.)—Roman historian and statesman, pp. 117, 120.
Plutarch (50-120 A.D.)—Greek historian, p. 52.
Procopius (490-562)—Byzantine jurist and historian, p. 57.

Romulus (753-716 B.C.)—One of the reputed founders of the city of Rome, p. 100.

Salvianus de Marseilles (400-484)—Bishop, celebrated orator, pp. 124, 126.
Saussure, Henri (1829-1905)—Swiss natural scientist and ethnologist, p. 28.
Schömann, Georg Friedrich (1793-1879)—German philologist and historian, pp. 53, 86.
Scott, Walter (1771-1832), p. 111.
Servius Tullius (578-534 B.C.)—sixth king of Rome, p. 106.
Solon (640-559 B.C.)—Greek statesman; gave Athens a new constitution, pp. 84, 91, 94, 95, 106, 145.
Sternberg, Leo Yakovlevich (1861-1927)—Russian ethnologist. Banished to Sakhalin by the tsarist government. Author of numerous works on the aborigines of Sakhalin and Kamchatka, pp. 152, 154.
Sugenheim, Samuel (1811-1877)—German historian, p. 44.

Tacitus, Publius Cornelius (55-120)—Famous Roman historian, pp. 6, 13, 23, 56, 112-119.

Tarquinius Superbus (reigned 534-510 B.C.)—Seventh king of Rome. After he was deposed Rome became a republic, pp. 105, 107.
Theodoric, the name of three Gothic

kings who reigned about 419-526, p. 105.

Theocritus (III century B.C.)—Greek poet, p. 63.

Theseus, legendary Greek hero and prince, who is reputed to have united the various Attic communities and to have established Athens as their capital, p. 91.

Thucydides (460-403 B.C.)—Greek historian, author of *The Peloponnesian War*, p. 88.

Tiberius (42 B.C.-37 A.D.)—Emperor of Rome from 14 A.D., p. 105.

Tylor, Edward Burnett (1832-1917)—English anthropologist and ethnologist, p. 8.

Ulfilas (310-383)—First Bishop of the Goths, invented the Gothic alphabet and translated the Bible into Gothic, p. 105.

Varus, P. Quinctilius (died IX A.D.)—Roman Consul in Germany whose legions were routed by the Germans in the battle of Teutoburg Forest, p. 100.

Wachsmuth, Ernst Wilhelm Gottlieb (1784-1886)—German historian, p. 53.

Wagner, Richard (1813-1883), p. 32.

Waitz, Georg (1813-1886)—German historian, p. 115.

Watson, John Forbes (1827-1892)—English ethnologist who, in conjunction with *J. W. Kaye*, wrote several works on the modern history of India, p. 35.

Westermarck, Edward Alexander (born 1862)—Swedish historian, pp. 28, 30, 31, 42.

Wolfram von Eschenbach (1170-1220)—German poet of the Middle Ages, p. 58.

Wright, Eter Arthur (1803-1875—a missionary among the Iroquois a collaborator with Morgan, p. 41.

Yanchuk, Nikolai Andreyevich (1859-1921)—Russian ethnographist, p. 152.

Yaroslav (987-1054)—Grand Duke of Kiev, p. 49.

Zurita, Alonso de (middle of XVI century)—Spanish historian, one of the first explorers of ancient Mexico, p. 50.